

MSI EVALUATION TOOL

For the Evaluation of
Multi-Stakeholder Initiatives



About MSI Integrity

The Institute for Multi-Stakeholder Initiative Integrity (MSI Integrity) is a nonprofit organization dedicated to understanding the human rights impact and value of voluntary initiatives that address business and human rights. MSI Integrity researches key questions surrounding the effectiveness of these initiatives, facilitates learning in the field, and develops tools to evaluate initiatives from a human rights perspective. MSI Integrity takes a particular interest in how initiatives include, empower, and impact affected communities.

Online at www.msi-integrity.org.

About the International Human Rights Clinic at Harvard Law School

Harvard Law School's International Human Rights Clinic works to protect and promote human rights and international humanitarian law through documentation; legal, factual, and strategic analysis; litigation before national, regional, and international bodies; participation in treaty negotiations; and policy and advocacy initiatives. The Clinic has had a longstanding interest and involvement in the field of business and human rights, which has included examining the effectiveness of multi-stakeholder initiatives (MSIs).

Online at hrp.law.harvard.edu.

MSI Evaluation Tool

Published November 2017

Copyright © 2017 MSI Integrity and the International Human Rights Clinic at Harvard Law School

Creative Commons Attribution-NoDerivatives 4.0 International license

Design by Geoffrey Rantala, Big City Design & Print

For Citation:

MSI Integrity & International Human Rights Clinic at Harvard Law School,
MSI Evaluation Tool, v.1.0 (2017)

THE MSI EVALUATION TOOL

Overview	iii
Background and History	v
Why was the MSI Evaluation Tool developed?	v
How was the MSI Evaluation Tool developed?	vi
Explanation of the MSI Evaluation Tool and Evaluation Methodology	xi
The MSI Evaluation Tool.	1
Preliminary Considerations.	2
Evaluation Methodology: How to use the MSI Evaluation Tool	3
Definitions of Key Terms in the MSI Evaluation Tool	9
Quick Reference Guide	11
MSI Evaluation Tool	
I. CONTEXT	12
II. SCOPE AND MANDATE	13
III. STANDARDS.	14
ACCESSIBILITY AND SUFFICIENCY	14
CHALLENGE OF STANDARDS.	16
IV. INTERNAL GOVERNANCE	17
TRANSPARENCY AND ACCESSIBILITY	17
FUNDING AND RESOURCES	18
Funding	18
Level of Funding	19
MSI Resource Allocation	19
STAKEHOLDER REPRESENTATION	20
Membership: Inclusion and Quality	20
Diversity	22
DECISION-MAKING FUNCTIONS AND THE BALANCE OF POWER	24
DISPUTE RESOLUTION.	26

V. IMPLEMENTATION	28
INCENTIVE REGIME	28
MONITORING: EVALUATIONS	29
Evaluator	29
Procedure for the Evaluation	30
Reporting Results of the Evaluation	32
MONITORING: REPORTING	33
Reporting by Targeted Actors	33
MSI Reporting to the General Public	34
MONITORING: OTHER	35
STAKEHOLDER LEARNING AND ENGAGEMENT	35
SYSTEMS DEVELOPMENT AND OPERATIONALIZATION	38
PROGRAMS AND OUTREACH	40
GRIEVANCES	43
Targeted Actors' Grievance Mechanisms	43
MSI Grievance Mechanism	44
Evaluation of Complaints	45
ACCOUNTABILITY	48
MSI Recommendations to Targeted Actors	48
Sanctions	50
VI. DEVELOPMENT OF THE MSI	54
FORMATION OF THE MSI	54
REVIEW OF THE MSI	56
Components for Review	56
Content of Review	58

OVERVIEW

The MSI Evaluation Tool and Evaluation Methodology provide a framework to evaluate multi-stakeholder initiatives (MSIs) and the effectiveness of their institutional design, structure, and operational procedures. They draw together current research and practical understandings about MSI structures and processes, recognizing that MSI design features — such as good governance and robust accountability mechanisms — influence an initiative’s effectiveness and potential to achieve positive impacts. By systematically and comprehensively examining an MSI’s institutional framework, the Tool enables individuals, organizations, and MSIs themselves to better understand and evaluate the capacity of an MSI to affect change.

The MSI Evaluation Tool was developed collaboratively by the Institute for Multi-Stakeholder Initiative Integrity (MSI Integrity) and the International Human Rights Clinic (IHRC) at Harvard Law School through a five-year iterative process of extensive research, practical pilot-testing, and global consultation with the public and experts on MSIs. The Tool was originally developed to assess whether global standard-setting MSIs have been designed in a manner to effectively protect and promote human rights. MSIs have become one of the most popular global instruments for addressing business and human rights issues, yet there is little research or understanding into whether these initiatives have actually been successful or effective as rights protection tools. MSI Integrity and IHRC therefore have sought to fill this knowledge gap by developing a tool that can be used by both external stakeholders and MSIs themselves to evaluate the effectiveness of MSIs. The MSI Evaluation Tool sets out the critical considerations and establishes a methodology for those seeking to thoroughly evaluate an MSI.

The Tool was specifically created to be used by both external organizations as well as MSIs themselves (or their members). The methodology accommodates those external actors who rely largely, if not exclusively, on publicly available information about an MSI to determine its effectiveness, such as prospective members considering whether to join an MSI, donors, human rights organizations, and researchers with an interest in understanding an MSI’s potential effectiveness. It is also designed to provide a comprehensive framework for proactive MSIs seeking to evaluate or improve their initiative.

With some adaptation and modification, the Tool can be applied to a range of different purposes and applied to MSIs beyond human rights standard-setting ones. For example, it can be used to evaluate MSIs that address environmental or governance issues, or initiatives that serve as collective action networks or learning forums rather than setting-standard institutions. The Tool can also be applied to other accountability or private governance approaches, such as industry codes of conduct or private certification schemes. In addition to applying to different MSIs, the Tool can also be used in a variety of ways. The main uses of the Tool include:

- (1) **To conduct comprehensive evaluations of an MSI.** The MSI Evaluation Tool seeks to set a gold standard for evaluating MSIs by utilizing a five-step Evaluation Methodology (see page 3), which results in a comprehensive, rigorous assessment. Conducting a full evaluation involves a considerable investment of time and energy. While much of the evaluation can be completed by utilizing publicly available information about an MSI, where possible, a comprehensive evaluation will also include engaging the MSI as well as external industry and human rights experts. The Evaluation Methodology also includes steps such

as establishing a terms of reference and engagement process with the MSI where possible or relevant, conducting an independent expert peer review, and producing a detailed evaluation report. By striving for objectivity and utilizing various safeguards to ensure maximum independence, the methodology also minimizes undue evaluator bias and increases consistency in results.

- (2) **To review or evaluate a particular aspect of an MSI.** The MSI Evaluation Tool can also be more narrowly applied to assess one particular feature or area of an MSI, such as the adequacy of its grievance mechanism or internal governance processes. In these instances, users of the Tool can simply select the relevant part or parts of the Tool and apply them using the Evaluation Methodology, or employ them as a reference list of good practices (see point 3, immediately below).
- (3) **As a collation of good practices for MSIs.** In this mode, the Tool is not used for evaluation, but rather as a collation and reference tool of good practices that MSIs can use when reviewing or developing components. For new MSIs, the Tool can provide lessons learned from other initiatives and give insights that exemplify good practice.

The Tool is divided into seven sections, which reflect the seven core areas of MSI design that have been linked to effectiveness. The seven core areas are:

- | | |
|-------------------------|---------------------------------------|
| (1) Scope and Mandate | (5) Development and Review of the MSI |
| (2) Standards | (6) Affected Community Involvement |
| (3) Internal Governance | (7) Transparency and Accessibility |
| (4) Implementation | |

Each core area is made up of a comprehensive set of indicators related to the structures and processes that influence an MSI's effectiveness. Users of the MSI Evaluation Tool can assess if the initiative includes these indicators by following the five-step Evaluation Methodology to consider whether the structures and frameworks of an initiative have been designed in a way that is capable of leading to positive outcomes and impacts.

By focusing on the design features that influence an MSI's effectiveness, the Tool enables users to evaluate an initiative's potential to have an impact. Evaluations into the impacts, practices, outputs, or outcomes of MSIs are important and much-needed, but necessitate complex and extensive methodologies, as well as access to a level of resources and information that may be beyond the reach of many organizations and individuals. In future years, MSI Integrity plans to contribute to the development of workable methodologies for these types of impact evaluations. In the interim, the MSI Evaluation Tool should also assist those attempting to measure impact by first providing an understanding of how an MSI is structured and intended to operate.

As knowledge and research into MSI effectiveness deepens over time, we anticipate that this Tool will be updated and modified to reflect new understandings. We welcome all users of this Tool to contact MSI Integrity to share their findings or to seek our input on how to best evaluate an initiative. We also welcome any suggestions, questions, or future applications of the Tool to improve it over time.

BACKGROUND AND HISTORY

WHY WAS THE MSI EVALUATION TOOL DEVELOPED?

The Proliferation of MSIs

MSIs have emerged as a significant institutional player in the contemporary governance landscape. Over the last two decades MSIs have proliferated, becoming a popular tool for addressing the impacts of businesses operating in a globalized economy. MSIs operate in every major global industry, including apparel manufacturing, the extractives sector, and commodities such as palm oil, coffee, diamonds, and soy. In the realm of business and human rights, MSIs are viewed by many as a meaningful way for companies to show their commitment to human rights and are explicitly discussed in the *United Nations Guiding Principles on Business and Human Rights*.¹

MSIs can be loosely described as collaborations between various public and private actors — such as corporations, governments, civil society, and affected communities — to address an issue of mutual concern. Beyond this basic unifying quality, they may take many forms, from promoting learning amongst stakeholders about a particular issue to establishing certification processes that provide consumer-facing labels for compliant businesses. Many MSIs also combine different approaches. In the business and human rights context, MSIs often adopt a quasi-regulatory role, by establishing voluntary human rights standards relating to specific industries, regions, or issues, and monitoring members for compliance. Such standard-setting MSIs that involve compliance efforts are often seen as attempting to close the governance gap that results from state actors being unable or unwilling to ensure human rights are protected and promoted.

Limited Understanding of the Effectiveness of MSIs

Despite the proliferation of MSIs addressing business and human rights issues, there remains a limited understanding of the effectiveness of MSIs. Systematic evaluation of the institutional effectiveness of MSIs, or the factors that affect an MSI's human rights impacts, is scarce and underdeveloped. Many MSIs themselves are unsure whether they have had any meaningful impact or how they can set up structures to better protect human rights. In addition, there has been little effort to consolidate evidence, lessons learned, or good practice across different MSIs regarding their institutional design and features.

In 2010, stakeholders involved in different MSIs separately approached the International Human Rights Clinic at Harvard Law School (IHRC) with a shared concern: *how could they determine whether an MSI was effective as a human rights tool?* In response, the IHRC conducted extensive research about MSIs in the field of business and human rights, and began to develop a tool to allow critical evaluations of the effectiveness of MSIs from a human rights perspective.

¹ U.N. Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie, U.N. Doc. A/HRC/17/31 (Mar. 21, 2011), Principle 30.

HOW WAS THE MSI EVALUATION TOOL DEVELOPED?

The MSI Evaluation Tool is the result of a five-year iterative process of extensive research, practical pilot-testing, and global consultation with the public and experts on MSIs. A detailed account of the development history is available on MSI Integrity's website.²



Figure 1: Stages of Development of the MSI Evaluation Tool

Initial Conceptual Development and Literature Review (September 2010 — January 2011)

The development of the MSI Evaluation Tool began with an extensive academic literature review on MSIs, with a focus on initiatives relevant to the business and human rights context. This review found that, despite the structural similarities amongst many MSIs, there had been no systematic study of MSI institutional design nor its relationship to effectiveness, and comprehensive assessments of the human rights impact of individual initiatives were largely limited to a few case studies. The IHRC began to develop a framework for an independent, objective, quantitative evaluation of MSIs, using a model for measurement validity devised by Robert Adcock and David Collier.³ The model takes a broad background concept — measuring the effectiveness of MSIs — and breaks it down into

² MSI Integrity, *Development of the MSI Evaluation Tool and Evaluation Methodology*, July 25, 2017.

³ Robert Adcock & David Collier, *Measurement Validity: A Shared Standard for Qualitative and Quantitative Research*, 95 AM. POL. SCI. REV. 529, 531 (2001). Approaches for applying this model to measuring human rights are discussed in Todd Landman and Edzia Carvalho, *Measuring Human Rights*, pages 31-44.

more specific sub-issues, called “systematized concepts,” which are then measured by indicators. The initial conceptual framework contained five systematized concepts aimed at measuring the effective design of an MSI from a human rights perspective. The five initial areas were: (1) the internal governance structure of the MSI, (2) the standards adopted by the MSI, (3) the implementation of those standards, (4) the overall transparency of the MSI and its processes, and (5) the level of community involvement within the MSI. Over 150 indicators, or “proxy-measures,” of MSI design were initially developed to assess the five initial areas.

These indicators were subjected to content-testing starting in November 2010. Results of the content-testing, including feedback from testers about aspects of each MSI that the Tool did not cover, were gathered and reviewed. This led to a second revised version of the Evaluation Tool, which was completed in January 2011.

Targeted Expert Consultations (January 2011 – April 2011)

As a second level of content validation testing, the revised version of the Evaluation Tool was shared for consultation and feedback with a small group of expert practitioners who had previous or ongoing involvement in MSIs. The consultations involved individuals from various civil society organizations and human rights non-governmental organizations (NGOs), an investment company, government, and staff from an MSI. Each was asked to provide specific feedback on whether the Tool included the appropriate indicators for evaluating the effectiveness of an MSI’s design, and to provide general feedback on the value of the Tool overall.

The experts felt that the MSI Evaluation Tool would add value to the field and that the five systematized concepts represented the areas of greatest importance to MSIs. In response to additional expert feedback, some specific new indicators were added. In addition, another systematized concept was added: the development of the MSI.⁴ It was also decided that indicators should be analyzed and classified based on their relative importance to the capacity of the MSI to protect and promote human rights. Finally, the consulted practitioners strongly recommended to the IHRC that the Tool be housed in a research organization to keep it updated and to facilitate ongoing research and independent evaluations of MSIs.⁵

Based on this feedback, as well as additional research and content validation testing, a third version of the MSI Evaluation Tool was completed in April 2011. It included six systematized concepts, and comprised over 400 questions classified as either minimum standards (now called Essential Elements), good practices, or innovative practices, as well as a number of purely informational questions. The informational questions were designed to either guide evaluators towards critical contextual information or to collect data for longitudinal studies.

⁴ In addition, the consulted practitioners also suggested language modifications to increase the accessibility and usability of the Tool for different audiences.

⁵ The Institute for Multi-Stakeholder Initiative Integrity (MSI Integrity) was incubated at the IHRC after the consulted experts encouraged the creation of an independent research organization to host and maintain the Tool. MSI Integrity was launched as an independent NGO in April 2013.

Pilot-Testing of the Tool and Further Methodological Development (May 2011 – May 2013)

Building on the Adcock and Collier model, IHRC (and later, MSI Integrity) consulted with various design and measurement experts at Harvard University, including the Institute for Qualitative Social Sciences, to further improve the methodological approach of the MSI Evaluation Tool to conduct evaluations of MSIs. The goal was to develop a set of uniform steps that would yield the most accurate, consistent, reliable, and comprehensive results possible that could be replicated by others. The steps also aimed to engage the MSI and highlight whether public information about the initiative was transparent and accessible. A five-step evaluation approach was devised: first, data is collected and research conducted to answer the questions in the MSI Evaluation Tool; second, this information is analyzed and a draft long-form evaluation report is prepared; third, the report is independently reviewed by two experts;⁶ fourth, evaluators engage with the MSI staff and secretariat; and, finally, the draft reports are revised based on feedback from the MSI and the expert review process.

The first step of the approach — research and data collection for the MSI Evaluation Tool — was piloted on ten MSIs. All ten MSIs were global, standard-setting initiatives that were considered prominent in the business and human rights field.⁷ The MSIs were selected to test the MSI Evaluation Tool against a variety of considerations, such as whether the Tool could be applied to MSIs addressing different industries, regions, and human rights issues, as well as whether the Tool could effectively evaluate MSIs at different stages of development and maturity. Two evaluators examined each MSI independently to ensure that the data was compiled and interpreted appropriately. The results of these two separate evaluations were then submitted to an independent third-party reviewer to compare answers and clarify discrepancies before producing final audited results. The first step, the research and collection of data, involved approximately 100 — 150 hours of desk-based research per MSI. Piloting this step of the methodology highlighted the importance of understanding the history, scope, and mandate of the MSI — leading to the development of the seventh and final systematized concept: human rights scope and mandate of the MSI. This then entailed further research into the history and development of each piloted MSI.

Five of the ten MSIs were then selected to pilot the remainder of the five-step approach, including a full assessment of the information collected on more than 400 indicators.⁸ Evaluation teams prepared draft long-form evaluation reports, including an analysis of the Step 1 results. A report on one MSI ranged from 40 — 60 pages. Given the level of detail in each evaluation, this step required well over 150 hours per MSI to complete. Independent experts then reviewed each report for accuracy before IHRC and MSI Integrity engaged with each MSI to discuss the draft report —

⁶ One expert was required to have been involved or affiliated formally with the evaluated MSI, and the other expert was required to have an intimate knowledge of human rights issues presented by the industry and MSI at a local level but to have had no involvement with or participation in the MSI. Each expert was required to disclose any real, potential, or perceived conflicts of interest. Given the small community of actors involved in many MSIs, it was unfortunately not possible to find a human rights expert who had no previous affiliation to the one of the piloted MSIs. To address this issue, three human rights experts, two of whom have closely researched the MSI, were asked to review that MSI's evaluation report.

⁷ The ten MSIs for pilot-testing were: Better Cotton Initiative, 4C (Common Code for the Coffee Community), Extractive Industries Transparency Initiative (EITI), Fair Labor Association (FLA), Fair Trade Labelling Organizations International, Global Network Initiative (GNI), the Kimberley Process, Roundtable on Sustainable Palm Oil, Roundtable on Responsible Soy, and the Voluntary Principles on Security and Human Rights (VPs).

⁸ The five MSIs selected for full pilot-testing of the five-step evaluation approach were: 4C (Common Code for the Coffee Community), Extractive Industries Transparency Initiative (EITI), Fair Labor Association (FLA), Global Network Initiative (GNI), and the Kimberley Process.

including meeting in-person with secretariat staff for up to two days.⁹ Following the expert review and after feedback from the MSI staff, the draft reports were revised; some MSIs then provided further feedback on the revised drafts.¹⁰ These final steps to revise the pilot evaluations involved approximately 60 — 80 hours per MSI. All revisions were cited to identify the source of the material in order to specify where information was not publicly available at the time of the evaluation.¹¹ Taken together, each full pilot evaluation involved a team of evaluators conducting several months of research and review, resulting in an intensive piloting of the methodological approach over the course of two years.

Global Consultation on the Evaluation Tool, Indicators, and Methodology (April 2013 — March 2014)

Expanding upon the targeted expert consultations held in 2011, MSI Integrity conducted an official global consultation and review process from May 1 — August 31, 2013 to seek feedback on the Tool indicators and evaluation methodology. MSI Integrity published the draft MSI Evaluation Tool, an overview of the suggested evaluation methodology, and a summary of the minimum standards (now Essential Elements) for public review. Two of the five initiatives also agreed to MSI Integrity's request to release their evaluation reports as working drafts to allow commenters to understand the outputs from the Tool.

The global consultation involved in-person meetings in Asia, Africa, Europe, North America, South America, and Oceania, and a public comment period that lasted four months. Over 100 people participated in the consultation meetings or submitted individual comments for review, representing industry, civil society organizations, NGOs, governments, national human rights institutions, trade and labor unions, MSIs, and academic researchers from various fields such as law, business, and human rights.¹²

MSI Integrity established an independent multi-stakeholder Global Consultation Advisory Group of experts in MSIs and business and human rights, who reviewed the comments received during the consultation process in September and October 2013.¹³ The Advisory Group broadly agreed that the methodology and standards proposed by MSI Integrity were appropriate to conduct rigorous evaluations of MSIs and covered the key areas in need of assessment.¹⁴ The Advisory Group

⁹ Meetings with MSI secretariat staff included a two-day meeting with over ten staff members of the EITI Secretariat during December 10-11, 2012, in Oslo, Norway and a two-day meeting with three staff members from 4C during February 7-8, 2013, in Bonn, Germany.

¹⁰ Additional correspondence continued with those MSIs interested in providing more information or clarifying details on the evaluations. For some MSIs, this included multiple rounds of back-and-forth correspondence and revisions to the report to ensure its accuracy. Some of the feedback received from the MSIs included views on how to improve the methodology and comments on the MSI Evaluation Tool itself, which was considered in the global consultation process.

¹¹ For example, some secretariats had information about practices and policies that were not publicly available except through direct engagement with the MSI. This provided insights for both the evaluators and the MSI itself regarding what information may not have been readily accessible to the public and therefore into their perceived levels of transparency.

¹² Among the global consultation events hosted, the Australian Human Rights Centre at the University of New South Wales Law School organized a meeting in Sydney, Australia; the Jindal Global Law School organized a meeting in Sonapat, India; Jorge Tadeo University organized a meeting in Bogotá, Colombia; and The Netherlands Ministry of Foreign Affairs organized a meeting in Den Haag, Netherlands.

¹³ The Advisory Group members included: Greg Asbed, Brad Brooks-Rubin, Deval Desai, Alexandra Guáqueta, Mariëtte van Huijstee, and Tu Rinsche. Adam Greene and Steve Hitov were originally involved in the Advisory Group and participated in early meetings, but were unfortunately unable to contribute to the drafting of the report due to external commitments.

The terms of reference for the Advisory Group are available on MSI Integrity's website.

¹⁴ MSI Integrity, *Advisory Group Recommendations and Considerations Report*, October 2013, page 1.

recommended some minor adjustments to the evaluation framework and also responded to MSI Integrity's request for suggestions on how it should conduct its future work.¹⁵

Revision and Release of the MSI Evaluation Tool (2015 onwards)

In early 2014, the Board of MSI Integrity adopted the core recommendations from the Global Consultation Advisory Group final report.¹⁶ Implementing these recommendations prompted the final stage of the development of the MSI Evaluation Tool and the accompanying Evaluation Methodology. During this review and revision period, MSI Integrity implemented the recommendations of the Advisory Group, including revising the specific comments received on individual indicators in the MSI Evaluation Tool and making adjustments to the Evaluation Methodology.¹⁷

Building off this global input and advice, the current version of the Evaluation Methodology contains five steps. First, the evaluator is encouraged, where possible, to develop and agree to a thorough terms of reference with the MSI outlining the scope and methodology for the evaluation (step one). Second, evaluators collect initial data and run the MSI through the MSI Evaluation Tool across the seven systematized concepts (now called "core areas" and discussed further below) (step two); after completing this step, evaluators research and evaluate the MSI's scope and mandate (step three). In step four, evaluators assess the MSI's strengths and weaknesses, taking particular note of the initiative's inclusion of "Essential Elements," and prepare a draft report of the evaluation findings. Finally, evaluators are encouraged to seek feedback from the MSI and independent experts on the results of the evaluation before disseminating the report (step five).¹⁸

The MSI Evaluation Tool is now structured across the seven "core areas" of effective MSI design that were identified during the development of the Tool: (1) Scope and Mandate, (2) Standards, (3) Internal Governance, (4) Implementation, (5) Development and Review of the MSI, (6) Affected Community Involvement and (7) Transparency and Accessibility. Each core area is made up of a detailed set of indicators related to the structures and processes that influence an MSI's effectiveness.

In keeping with MSI Integrity's commitment to strive for engagement and reflexive consultation with all stakeholders, public global consultations will be held every three to five years to seek feedback on the major components of MSI Integrity's work, including the MSI Evaluation Tool.

¹⁵ The Advisory group provided 35 specific comments on the MSI Evaluation Tool's criteria. Of these comments, only eight suggested substantive changes to existing criteria while nine suggested technical changes to criteria (e.g., clarifying terminology) and eighteen proposed new criteria to add to the Tool. Some of the Advisory group's core recommendations for MSI Integrity's future activities included: (1) continuing to review and develop the methodology and indicators over time, (2) publishing the criteria for selecting MSIs to evaluate, (3) developing terms of reference to engage with MSIs for evaluations, (4) expanding engagement with stakeholders within MSIs during evaluations, and, (5) postponing developing weighted "scores" for MSI Evaluation Tool results and instead reporting evaluation results as the proportion of Essential Elements met by the MSI in each section of the Tool.

¹⁶ MSI Integrity, *MSI Integrity Board Adopts Advisory Group Recommendations from the 2013 Global Consultation and Review Process*, March 17, 2014.

¹⁷ The recommendations from the Advisory group resulted in sixteen modifications to the Tool. Each individual comment, as well as MSI Integrity's response to the comments, can be found in the *Global Consultation Comments and Resolutions* page on MSI Integrity's website: see <http://www.msi-integrity.org/about/consultation-2013>.

¹⁸ Note that current methodology benefited from input and feedback during the global consultation, resulting in changes from the approach that was piloted (see previous discussion on page viii). The current methodology now includes an attempt to develop a terms of reference with the MSI, and changes some of the sequencing of the steps in order to minimize the risk of bias.

EXPLANATION OF THE MSI EVALUATION TOOL AND EVALUATION METHODOLOGY

The MSI Evaluation Tool is made up of a detailed set of questions that are tied to indicators related to the institutional design, structures, and processes that influence an MSI's effectiveness. There are three categories of indicators, which differentiate the most critical design aspects from more innovative, experimental ones.¹⁹ The three categories of indicators are:

- **Essential Elements:** these indicators are related to features that are necessary, but not sufficient, for an MSI to have the potential to be effective as a human rights instrument. Essential Elements are marked in **bold typeface** in the MSI Evaluation Tool.
- **Good Practices:** these indicators relate to features that will enhance the effectiveness of the MSI and its potential to protect human rights.
- **Innovative Practices:** these indicators reflect novel features of MSI design that have been employed by at least one MSI, or are based on expert theory, and are anticipated to improve or optimize an MSI's capacity to protect human rights.

In addition to these three categories, the Tool includes a number of purely **informational** questions. These questions are designed to either guide evaluators towards critical contextual information or to collect data for longitudinal studies.²⁰

Indicators are grouped into seven core areas and may ultimately be used to answer broader questions about the MSI and its design features. Each indicator is first assessed using publicly available information about an MSI.²¹ Based on this information, evaluators record the number of Essential Elements that are present in the MSI's design for each core area.

The seven core areas that the Tool examines are based on current research and empirical evidence about the primary factors that influence the effectiveness of MSIs.²² Below is a list of the core areas, along with a selection of some summarized Essential Elements that are evaluated in each area in the Tool.

¹⁹ IHRC utilized three bases of supporting evidence to categorize each indicator: (1) academic theory, (2) practitioner or expert empirical input, and (3) normative support. Where all three bases of evidence were present for an indicator, it was classified as a Minimum Standard (now an Essential Element). Where only one or two of these three bases were met, the indicator was classified as a Good or Innovative Practice. Some strictly informational questions are also included in the Tool, and they are uncategorized.

²⁰ For example, there are questions asking the evaluator to identify where an MSI operates and the languages spoken in those regions. This guides an evaluator to research the language contexts that affect transparency and accessibility issues related to the MSI, and helps contextualize the operations of the MSI based on geographic and linguistic characteristics.

²¹ Where the evaluation is conducted externally, rather than by the MSI itself, ideally these answers can be subsequently verified by the MSI. This creates an opportunity for the MSI to reflect on its transparency and how external actors understand and perceive that it operates, as well as for the MSI to engage with the evaluator and share more details on its structure and processes: see Evaluative Methodology, below.

²² The development of these core areas as evaluative concepts is discussed in detail in the *Development History of the MSI Evaluation Tool*. MSI Integrity, *Development of the MSI Evaluation Tool and Evaluation Methodology*, July 25, 2017.

Overview of the Seven Core Areas in the MSI Evaluation Tool

(I) APPROPRIATE HUMAN RIGHTS SCOPE & MANDATE

- The MSI's mandate focuses on human rights issues appropriate and relevant to the industry/issue.
- The MSI uses a rights-based approach that ensures protection of relevant human rights.

(II) SUFFICIENT STANDARDS

- The MSI has mandatory and verifiable standards for members that are consistent with international law.

(III) INCLUSIVE AND COMPREHENSIVE INTERNAL GOVERNANCE

- The MSI has diverse stakeholder involvement, accounting for broad geographic representation and inclusion of national and local-level organizations.
- The MSI has a fair balance of power among stakeholder groups, with clear, inclusive, and well-documented decision-making processes.
- The MSI has transparent financial reporting and allocation of resources for implementation activities.
- The MSI has accessible, legitimate, and predictable dispute resolution processes for internal governance disputes.

(IV) EFFECTIVE IMPLEMENTATION MECHANISMS

- The MSI has ongoing and comprehensive on-site monitoring to ensure compliance with MSI standards.
- The MSI has the power to sanction or hold members accountable for noncompliance with MSI standards.
- The MSI has an equitable, transparent, and rights-compatible grievance mechanism.
- The MSI has periodic public reporting of the performance of the MSI and its members.
- The MSI has participatory learning programs to encourage open dialogue amongst stakeholders.
- The MSI has outreach to communities and non-members to ensure awareness of the MSI and its mandate and activities.

(V) ONGOING DEVELOPMENT & REVIEW OF THE MSI

- The MSI has regular, inclusive, comprehensive reviews of the MSI and its effectiveness.
- The MSI has an inclusive formation process that ensures the participation of civil society and affected communities.

THROUGHOUT CORE AREAS (II) to (V), THE TOOL ALSO ASSESSES THE EXTENT TO WHICH:

(VI) INVOLVEMENT OF AFFECTED COMMUNITY

- The MSI includes the participation of affected communities throughout the MSI's governance and implementation.

(VII) TRANSPARENCY AND ACCESSIBILITY

- The MSI has wide publication of key documents in appropriate languages.
- The MSI has accessible and publicized MSI contact points.

The questions in the MSI Evaluation Tool are “objective.” This means the questions are fact-based and ask for information that can be independently verified.²³ Asking precise, fact-based questions helps to eliminate the subjectivity of different evaluators. It helps ensure that responses are unbiased, consistent, and replicable, irrespective of who is answering them.²⁴ It also allows evaluators to assess how the MSI is structured to operate, or alternatively, to identify where the MSI's operation mechanisms are unclear due to insufficient information or vague design.

For complete details on how the Tool's indicators were developed and classified see the *Development History of the MSI Evaluation Tool*.²⁵

OBJECTIVE VS. SUBJECTIVE EVALUATIONS

An objective indicator is based on fact, can be verified, and should result in consistent and replicable answers. This helps ensure that evaluation results are not subjective and helps minimize the impact of the biases and preconceptions of an evaluator.

Example (1): Are decision-makers independent?

This question is subjective. Different people may have different, valid interpretations regarding whether a decision-maker is “independent.” Therefore, this question requires subjective input by the evaluator and may be answered differently by different evaluators.

Example (2): Is there a policy regarding the conflict of interest of decision-makers?

This question is objective. Although individuals may define “independent” differently, the question asks about a precise issue — whether there is a conflict of interest policy for decision-makers. It is possible to factually verify whether there is such a policy, which should result in the same answer regardless of the evaluator.

²³ To minimize the risk of evaluators being influenced by their own biases or the biases of others, the IHRC specifically aimed to design the Tool so that it could be used without relying on subjective analysis or materials (e.g., articles, research reports, or interviews).

²⁴ The Tool was tested to measure the objectivity and comparability of indicators by examining whether multiple evaluators provided the same answer to the same question. In the content validity testing phase, 18 students from Harvard Law School used the Tool to evaluate six MSIs. Three individuals were assigned to use the Tool to evaluate each MSI separately and independently from each other. The results of the tests were compared to determine discrepancies arising from ambiguity in the questions, and the testers also gave feedback about aspects of each MSI that the Tool did not cover.

²⁵ MSI Integrity, *Development of the MSI Evaluation Tool and Evaluation Methodology*, July 25, 2017.

THE MSI EVALUATION TOOL

PRELIMINARY CONSIDERATIONS

What type of MSI is being evaluated?

The MSI Evaluation Tool has been developed primarily to evaluate multi-stakeholder initiatives (MSIs) that were formed as a result of human rights concerns and which reacted to these problems by setting or enforcing standards for member companies and/or governments. However, the Tool can also be used to evaluate other MSIs — regardless of the MSI's targeted industry, scope, stage of development, or intended goals — if evaluators make appropriate modifications based on the context and circumstances of a particular initiative. We encourage evaluators looking to evaluate such MSIs to contact MSI Integrity to discuss whether the Tool is suitable for evaluating a given initiative and, if so, what modifications could be made to the evaluation process.

What resources are needed to conduct an evaluation?

Comprehensive evaluations using the MSI Evaluation Tool are resource-intensive. The number of indicators involved in the Tool requires an evaluator to devote significant time simply to review the MSI in its entirety. From here, a robust evaluation process also requires the incorporation of external expert reviews as well as engagement with the MSI. Furthermore, evaluation of human rights-related MSIs requires that the evaluator be sufficiently versed in human rights to conduct a reliable evaluation.

By way of example, when MSI Integrity piloted the MSI Evaluation Tool each evaluation involved over one hundred hours of work. Evaluators that have limited resources can contact MSI Integrity, who may be able to provide pro bono support or identify a suitable partner to assist with desired evaluations. Alternatively, some evaluators may be interested in conducting targeted evaluations that focus on one part or several parts of an MSI.

Evaluators interested in more limited evaluations or conducting a baseline assessment of an initiative may choose to examine the Essential Elements of an MSI using the Essential Elements of MSI Design.²⁶ This document is available on MSI Integrity's website (www.msi-integrity.org) and enables users to conduct preliminary, indicator-based assessments of the most essential criteria for effective MSI design. Though the Essential Elements of MSI Design does not consider whether an MSI is also following Good or Innovative Practices,²⁷ or what the *effects* of the MSI might be, it can help guide a future evaluation of an MSI's design and can inform the development of new MSIs or revisions to existing ones.

Who is conducting the evaluation?

The MSI Evaluation Tool was designed for external independent evaluations but it can also be used for internal evaluations by MSIs themselves or their members. Prior to starting an evaluation, potential evaluators should disclose any real or perceived conflicts of interest they might have with

²⁶ See the definition and earlier discussion of Essential Elements on page xi.

²⁷ See the definition and earlier discussion of Essential Elements, Good Practices and Innovative Practices on page xi.

the initiative. At a minimum, this includes:

- Disclosing funding sources and the amount being paid for the evaluation;
- Disclosing any relationships that may raise potential or perceived conflicts of interest — for example, any relationships to the MSI or its members; and
- Disclosing whether the evaluator is in any way directly affected by the MSI, industry, or its members.

While it is preferred that evaluators be as independent as possible from the MSI, disclosing and recognizing any biases is critical to addressing even minimal conflicts of interest concerns. In the event that evaluations are conducted internally, either by an MSI or one of its members, full independence is generally not possible. In such instances, evaluators must be committed to the most extensive disclosures and honesty regarding their positionality in order to preserve the integrity of the evaluation. While internal evaluations are positioned differently than external independent evaluations, and will not be useful in instances when an impartial view of an MSI is being sought, both provide value and opportunities for reflection and improvement.

What engagement will there be with the MSI?

As discussed below, external independent evaluations should generally be conducted at the early stages of the assessment at arms-length from the MSI. However, engaging MSIs in the latter part of the evaluation process in certain ways can improve both the depth and value of the evaluation as MSI staff and members are a critical source of information to verify evaluation findings as well as a key audience for evaluation results. Prior to undertaking an evaluation, evaluators should consider developing and publicly releasing a terms of reference for the evaluation in conjunction with the MSI.

The content of such a terms of reference is discussed further in *How to Use the MSI Evaluation Tool*, Step One. MSI Integrity plans to release a standardized terms of reference (available on its website) to aid evaluators in this purpose.

EVALUATION METHODOLOGY: HOW TO USE THE MSI EVALUATION TOOL

We ask any prospective evaluators to contact MSI Integrity prior to conducting an evaluation to obtain a detailed explanation of how to use the MSI Evaluation Tool and discuss MSI Integrity's experiences and lessons learned from its pilot evaluations. We will also be able to share key resources for completing the evaluation, such as the MSI Evaluation Tool Worksheet and Terms of Reference guidelines. This will also help us improve the Tool over time by engaging with those using it to see which aspects of the Tool are successful and which require additional work.

The process for conducting an evaluation can be as important as an evaluation's findings. For example, the later parts of the evaluation process involve a back and forth between the evaluators and the MSI, which can offer excellent opportunities for reflection, discussion, and learning. In addition, if the process used to evaluate an MSI is not robust and legitimate, it may undermine the

accuracy and credibility of the evaluation findings. Individuals or organizations that are considering evaluating an MSI, as well as MSIs seeking to commission or participate in evaluations, must ensure that their evaluation methodology is transparent and can withstand external scrutiny.

The Evaluation Methodology includes five steps. *All of the steps should be used by those seeking to conduct full, comprehensive, publicly available evaluations.* Some users may prefer to use the MSI Evaluation Tool for more limited purposes and thus may choose to skip or expedite certain steps.

Step One: Establish the Terms of Reference for the Evaluation (Optional)

Prior to undertaking an evaluation, evaluators are encouraged to develop a terms of reference with the MSI for the evaluation. The terms of reference should address issues such as:

- The substantive scope of the evaluation;
- The relationship between the evaluator and MSI, including funding and resourcing arrangements for the evaluation;
- The methodology for conducting the evaluation;
- The use of partners and independent experts to complete and/or review the evaluation; and
- Expectations for transparency of both the process and outcomes of the evaluation.

If a terms of reference is agreed upon, it should be made publicly available. In some circumstances, it will not be possible to develop a terms of reference for an evaluation with an MSI. In these instances, the evaluator should transparently record the reasons why a terms of reference was not established or could not be agreed upon and then proceed with the evaluation.

Step Two: Collect Initial Data and Answer the MSI Evaluation Tool Questions

In this step, evaluators collect initial data about the MSI and answer the questions in the MSI Evaluation Tool.

1. Locate and read material released publicly by the MSI.

The initial stage of Step Two requires the evaluator to locate, file, and read all publicly available material released by the MSI that relates to its institutional design and internal processes. This stage enables the evaluator to assess how transparent and accessible the MSI has made information related to the “core areas” of standards, internal governance, implementation mechanisms, and evolutionary processes.²⁸

Examples of relevant publicly available materials include: all charters, by-laws, statutes, or internal rules; any budgets or financial accounts; membership lists of governing bodies; reports released by the MSI; and any material posted on the MSI’s website or listed as available upon request from the MSI.

²⁸ See the earlier discussion of the core areas on MSI design on page iv.

Note: The evaluator must not include any third-party material about the MSI during this stage of the evaluation process unless it was directly commissioned by the MSI (e.g., reviews or audits). This helps avoid subjectivity in the evaluation while ensuring that the transparency indicators are answered accurately.

2. Using only this material, answer the questions in the MSI Evaluation Tool and record answers in the *MSI Evaluation Tool Worksheet*.

To answer the questions in the *MSI Evaluation Tool Worksheet*, an evaluator should:

- **Consider the range of pre-defined answers:** Most questions have been designed to avoid subjectivity and are followed by a list of pre-defined answers in brackets. For such questions, the evaluator must select one of the exact answers provided. Most questions will require only an answer of “Yes,” “No,” or “Unknown.” Some questions also allow a “Not Applicable” answer and have guidance on when to select “Not Applicable” as opposed to “No.”
- **Determine if there is enough information publicly available to answer the question:** Practical examples for how to answer questions are outlined in the *MSI Evaluation Tool Worksheet*. In general, the evaluator should answer “Unknown” if the MSI’s publicly available information does not allow an *unequivocal* determination to the question. Conversely, for an evaluator to answer a question with “Yes,” “No,” or another statement regarding how an MSI operates, there must be clear evidence to *unequivocally* support the answer.

In practice, it can be difficult to determine whether an MSI’s design incorporates a specific process or feature. In particular, it can be challenging to decide whether a question should be answered “No” or “Unknown.” For example, the MSI may not provide a complete explanation of how an internal mechanism or process works, may use ambiguous language, or may simply lack information about whether it has a particular process in place. In instances like these, where it is unclear or uncertain whether the MSI has the particular feature or process under evaluation, the evaluator should answer “Unknown” rather than assert that the MSI does not have a process or feature by answering “No.” The list of “Unknown” results can then be presented to the MSI, allowing the MSI the opportunity to clarify these points to the evaluator and/or public by revising or releasing new materials that address the ambiguities or uncertainties. This approach reduces the risk of inaccuracies on the part of the evaluator.²⁹

- **Document the source materials:** The specific document that supports the answer to a question should be cited. This provides transparency of process and will help the evaluator to analyze and contextualize the results later on. A column for source documentation is included in the *MSI Evaluation Tool Worksheet*.
- **Note any comments or questions:** Evaluators should note any comments, questions, or concerns regarding answers to each question in the *MSI Evaluation Tool Worksheet* using the “Comments” column. These notes will assist in later stages of engagement with the MSI and/or help evaluators analyze and contextualize results.

²⁹ If an MSI provides clear documentation to the evaluator after the initial results have been compiled, the evaluator can change the answer for the final results but must still preserve the transparency score initially given to the MSI (see *Step 4(1) Score the MSI: proportion of Essential Elements met in each core area*, below).

Step Three: Research and Evaluate the Scope and Mandate of the MSI

In Step Three, evaluators research and evaluate the *Scope and Mandate* of the MSI by analyzing the initiative's historical background as well as its operational and human rights context. This requires use of third-party materials.

1. Research the history and context of the MSI.

A full evaluation of an MSI requires an understanding of the initiative's historical origins, the human rights issues relevant to the initiative's related industry, and the nature of the industry itself. While this information is occasionally released by an MSI, additional external research is often needed to familiarize the evaluator with the MSI's operational and human rights context. This research is the only use of external or subjective sources in the Tool's evaluation process.

The evaluator should conduct rigorous research into the following issues: (1) the events that led to the MSI's formation, (2) the industry of focus, (3) the human rights issues relevant to that industry, and (4) the different rights-holders and communities affected by the MSI.

The evaluator should keep a research log and follow good research practices, including avoiding unreliable or unbalanced research sources. Examples of appropriate sources may include: news media reports published at the time of the events leading to and following the formation of the MSI, congressional or parliamentary records, international sources (e.g., UN records), academic articles, or materials released by actors involved in the events that prompted the formation of the MSI.

At this stage, evaluators are strongly advised to reach out to experts that are familiar with these contextual issues for a peer review of the evaluator's understanding of the MSI's history and context. This peer review process should not take place until after the narrative evaluation report, explained in Step Four, has been prepared. However, planning for the experts' availability may be helpful at this stage. Please see the discussion in Step Five (below) before engaging experts.

2. Evaluate the Scope and Mandate of the MSI.

After compiling materials related to the history and context of the MSI, the questions in the *Scope and Mandate* core area should be answered. All external sources (those not released by the MSI) used to answer any evaluation must be publicly cited. Evaluators should follow the same process outlined in Step Two, Section 2, including citing sources.

Step Four: Interpret and Communicate Initial Results in a Draft Narrative Report

In this step, evaluators use the MSI Evaluation Tool Worksheet to produce an initial record of the MSI's inclusion of Essential Elements. At this stage, evaluators are encouraged to analyze these scores in a draft narrative report to contextualize the findings and offer recommendations for appropriate reform.

1. Score the MSI: proportion of Essential Elements met in each core area.

The Essential Elements Scores spreadsheet, in the MSI Evaluation Tool Worksheet, automatically generates a breakdown of the Essential Elements that have initially been met by the MSI. This will show

the proportion of Essential Elements met in each of the seven core areas and numerous sub-areas to score the design of each area and sub-area for its potential to protect and promote human rights.³⁰

Given that the Implementation and Internal Governance core areas are made up of a large number of indicators and complex sub-areas, evaluators may want to break down the sub-areas of each of these two areas in order to provide sufficiently detailed analysis of the design of the MSI (e.g., evaluators can provide individual scores for sub-areas such as *Grievances* and *Accountability*).

Note: In the future, MSI Integrity may develop a scoring or grading system for an MSI's overall design. However, feedback during the global consultation indicated there is not yet sufficient evidence available to inform a proper weighting system of the relative importance of the seven areas in the MSI Evaluation Tool.³¹ Therefore, until better evidence emerges, evaluators should not view or present the results of the MSI Evaluation Tool as an overall score for how well an MSI incorporates the design features necessary to protect and promote human rights. Any communicated scores should clearly indicate that they only represent the proportion of Essential Elements present in the MSI's design for each of the seven areas.

2. Analyze and interpret the results.

The evaluator should use the *MSI Evaluation Tool Worksheet* and scores to analyze the evaluation results, specifically noting: (1) any Essential Elements of MSI design that are not present in the MSI, and (2) any of the MSI's design strengths as reflected by the presence of good or innovative practices.

3. Report and/or communicate the results.

The evaluator will likely want to supplement any numerical or quantitative evaluation, such as the Essential Elements score for each core area, with a narrative report. Ideally, this narrative should include: (1) an objective description of each area and sub-area, (2) an evaluative analysis of the design, explaining each Essential Element the MSI does or does not meet, and (3) recommendations for reforms in each area and sub-area. The *Scope and Mandate* discussion should be rigorously sourced where external sources are relied upon to discuss the MSI's industry of focus, human rights relevant to that industry, affected communities, or the MSI's genesis.

Step Five: Share, Revise, and Release the Results

In this final step, evaluators are encouraged to engage the MSI for feedback and responses, as well as to seek independent expert review and feedback on the results of the evaluation. The report should be modified to account for this feedback, before being publicly released.

1. Engage MSI members and staff and solicit feedback.

Evaluators are encouraged to engage the MSI at the outset of the evaluation and to share the initial results of the evaluation to ensure that it is as accurate as possible. This engagement offers the

³⁰ See the earlier discussion of the core areas on MSI design on page iv.

³¹ MSI Integrity, *Development of the MSI Evaluation Tool and Evaluation Methodology*, July 25, 2017.

MSI the opportunity to reflect upon: (1) its level of transparency and accessibility, (2) how external actors understand and perceive its operations, and (3) its overall design strengths and weaknesses, including any areas it should address to improve its effectiveness. During the engagement process, the MSI — including both staff and members — should have an opportunity to provide comments and clarifications on the initial evaluation.

2. Conduct an independent expert peer review.

At this stage, the evaluator should engage the independent experts who were enlisted at the outset to peer review the evaluation for the accuracy of the MSI's description and history, as well as the characterization of the underlying human rights concerns that led to the initiative's formation. To ensure balance and depth of knowledge of the human rights issues addressed by the MSI, two human rights experts should review the report. Where possible, one expert should have been involved or affiliated formally with the evaluated MSI. The other expert should have an intimate knowledge of the human rights issues presented by the industry and MSI — ideally at the local level — but should not have had any involvement with, or participation in, the MSI. Each expert should disclose any real, potential, or perceived conflicts of interest. These experts should serve to ensure the robustness and accuracy of the evaluation, and should aim to minimize their own subjective evaluation of the MSI.

3. Revise the report based on external feedback.

Any revisions to the evaluation based on feedback from the MSI and/or independent experts should be transparently recorded. This will help preserve the overall transparency and credibility of the evaluation process. In particular, note that:

- Scores and raw results should be updated to reflect any changes in operation; however, the initial transparency score should remain unchanged; and
- External feedback should be noted in a comment section expressly for the MSI to note its comments and updates, or by directly citing updates or changes that resulted from the MSI's input (e.g., in footnotes or a list of updates).

4. Release the report.

Evaluators should publicly share their methodology and outcomes where possible. These should be as detailed as possible, including details of engagement with the MSI, external experts or other subjective sources, and specifically noting any changes made to the report as a result of engagements. MSI Integrity can support organizations in disseminating or sharing reports. Please do not hesitate to get in touch with us if this is of interest.

DEFINITIONS OF KEY TERMS IN THE MSI EVALUATION TOOL

Below is a glossary of the terms used in the MSI Evaluation Tool.

Accountability (Mechanism): The system by which the MSI authorizes and enforces sanctions or discipline against targeted actors.

Advocate: Any support person with authority to provide assistance during a grievance process, which may range from a lawyer to family or friends.

Affected Populations (i.e., rights-holders): Populations that the targeted actors' activities affect. Each MSI has, by definition, a different affected population, depending on the initiative's goals and history, that it seeks to positively impact. Depending on the MSI and industry, "affected populations" may include workers, indigenous groups, local communities, or other populations. The affected population of an MSI is not homogenous. Rather than seeing them as one group, the affected population is better understood as being made up of a number of different sub-populations, groups, or individuals. For example, the affected population of "workers" includes migrant laborers, women, ethnic minorities, homeworkers, and so forth – each of whom, in turn, have their own heterogeneous characteristics.

Civil Society Organization: Public sector organizations that are not for-profit, non-governmental, and not associated with industry. There is no commonly accepted definition of "civil society organization" within the international community, though some examples include: non-governmental organizations (NGOs), environmental organizations, human rights organizations, charitable organizations, educational and training organizations, community-based organizations (CBOs), and religious communities.

Dispute Resolution Process: A procedural framework to allow complaints related to issues of internal governance, or member disagreements that arise from internal rules, to be reported and resolved. This internal process is distinct from a grievance mechanism, which is dedicated to resolving allegations of substantive wrongdoing (see definition below).

Evaluations: The monitoring procedures established to assess, audit, verify, or otherwise determine compliance with established standards or processes. "Evaluation" encompasses activities such as "assessments," "audits," and "verification processes" when describing a monitoring process or methodology.

Note: These "Evaluations" refer to the activities conducted by an MSI or its members to monitor compliance with the initiative's standard, and should not be confused with the process of utilizing the MSI Evaluation Tool to evaluate an MSI.

Evaluators: The actors who are responsible for investigating and verifying compliance with initiative requirements. The term "Evaluators" encompasses all types of monitors, auditors, inspectors, investigators, reviewers, or other actors who are responsible for monitoring a targeted actor.

Note: These “Evaluators” refer to individuals or organizations that are utilized by an MSI to measure compliance with an initiative’s standards, and should not be confused with the evaluators who are using the MSI Evaluation Tool itself to assess an MSI.

Grievance Mechanism: A system for resolving allegations of wrongdoing, non-compliance with legal or MSI standards, and/or human rights abuses.

Incentive Regime: A system to encourage implementation by MSI members in exchange for some enhanced benefit that is beyond the benefits offered to regular members of the MSI. For example, a consumer-facing label, certification or accreditation, or a rating.

Objective: Fact-based and capable of being verified by evidence that can be replicated.

Obligatory: Having required actions, commitments, or responsibilities against which compliance can be evaluated. Keywords indicating whether something is “obligatory” may include: *shall, must, or will.*

Principles: Over-arching goals, norms, or policies that the MSI aspires to achieve through member actions and through setting, implementing, and measuring compliance with MSI standards.

Standards: Substantive actions, responsibilities, policies, or procedures that may be set for targeted actors to meet. These usually relate to advancing the overall goal or mandate of the MSI. “Standards” are distinct from the governance rules that members are required to follow when participating in the MSI and/or the process of operating and executing the activities of the MSI.

Targeted Actors: The actors whose behavior the MSI is seeking change. In the business and human rights context, such actors are generally companies although they may sometimes be governments (e.g., in the Kimberley Process or the Voluntary Principles on Security and Human Rights).

Verifiable: Having a specific, objective basis that can be measured and confirmed. Vague terminology that should not be considered verifiable may include: *effective management systems, or minimal harm.*

QUICK REFERENCE GUIDE

I. CONTEXT	12
II. SCOPE AND MANDATE	13
III. STANDARDS.	14
IV. INTERNAL GOVERNANCE	17
V. IMPLEMENTATION	28
VI. DEVELOPMENT OF THE MSI	54

LEGEND

- **Essential Elements questions are marked in bold.** These questions are considered necessary for an MSI to operate effectively and have the potential to be effective as a human rights instrument. The existence of these necessary indicators, however, is not sufficient to ensure that an MSI will be effective.
- **Questions relating to Transparency and Accessibility of the MSI are colored blue.** This component is evaluated throughout the five core area sections of the MSI Evaluation Tool where the indicators most appropriately fit with structural components of MSI institutions.
- **Questions relating to Affected Community Involvement are colored orange.** This component is evaluated throughout the five core area sections of the MSI Evaluation Tool where the indicators most appropriately fit with structural components of MSI institutions.

I. CONTEXT

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.
6. Identify the languages most widely spoken by rights-holders in each region in which the MSI standards apply. (List languages.)

¹ Identify the specific functions of the industry(ies) 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 Oct. 17, 2015).

II. SCOPE AND MANDATE

1. **Does the MSI have an explicit human rights mandate or state that it has an indirect impact on human rights?** (Yes / No)
2. **Does the MSI comprehensively address the human rights issues that prompted its formation?** (Yes / No) If no:
 - A. **Does the MSI provide a justification for its selectivity in addressing only a selection of the human rights issues that prompted its formation?** (Yes / No)
3. **Does the MSI seek to evaluate compliance with human rights?**⁵ (Yes / No)
4. **Will full compliance with MSI obligations ensure the protection and promotion of the human rights that the MSI addresses?** (Yes / No)
5. **Does the MSI utilize a rights-based approach?**⁶ (Yes / No)

⁵ This requirement can be in the form of substantive or procedural human rights obligations, provided these obligations directly ensure the protection of human rights. MSIs that solely focus on evaluating systems that the members establish and do not seek to directly evaluate compliance with human rights obligations should not receive a “yes” answer for this criterion.

⁶ For example, the MSI includes participation of rights-holders, conducts human rights impact assessments, uses rights-based analyses in its review processes, and/or directly references international human rights law.

III. STANDARDS

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

Accessibility and Sufficiency

2. **Are the standards publicly available?** (Yes / No) If yes:
 - A. **Does the MSI identify the languages most widely spoken by rights-holders affected by the MSI and require that the standards are available in the identified languages?**⁷ (Yes, list languages. / No)
3. Does the MSI have multiple subgroups of targeted actors, each of which has its own set of standards?⁸ (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?⁹ (Yes / No)
If yes:
 - A. Is there an umbrella paragraph (or preamble) introducing the principles? (Yes / No) If yes:
 - i. Obligatory: Does the umbrella mandate adherence to the principles?¹⁰ (Yes / No)
 - ii. Basis in International Law: Does the umbrella claim that it is based on or consistent with recognized sources of international law?¹¹ (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.¹² If a principle contains more than one action for the targeted actor to take,¹³ list each action separately.¹⁴ Then, answer whether the principle exhibits each of the following characteristics:
 - i. Obligatory: Does the principle require targeted actors to fulfill a commitment?¹⁵ (Yes / No)

⁷ For information on regions that the MSI affects, see Context Q5.

⁸ For example, one set of standards for producers and another for suppliers.

⁹ For example, a set of principles and a set of criteria elaborating upon the principles.

¹⁰ This is a separate question from whether each principle is obligatory. 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.

¹¹ "Hard law" includes international legal instruments like treaties, core ILO Conventions, and well-established customs, see Restatement of Foreign Relations Law of the United States §702, while "soft law" includes U.N. Declarations, general principles, and less-established customs.

¹² For example, keywords for principles could be: "living wage," "water," or "trade unions."

¹³ For example, an action might be: "a company must not use child labor or forced labor."

¹⁴ For example, actions should be listed separately for both "child labor" and "forced labor."

¹⁵ 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.

- ii. Basis in International Law: Does the principle claim that it is based on or consistent with recognized sources of international law?¹⁶ (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?¹⁷ (Yes / No) If yes:
 - a. 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?¹⁸ (Yes / No)
 - B. Basis in International Law: Does the umbrella claim that it is based on or consistent with recognized sources of international law?¹⁹ (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.²⁰ If a standard contains more than one action for the targeted actor to take,²¹ list each action separately.²² Then, answer whether the standard exhibits each of the following characteristics:
 - A. **Obligatory: Does the standard require targeted actors to fulfill some commitment?**²³ (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?**²⁴ (Yes / No)
 - i. Does the standard include an external reference?²⁵ (Yes / No)

¹⁶ "Hard law" includes international legal instruments like treaties, core ILO Conventions, and well-established customs, see Restatement of Foreign Relations Law of the United States §702, while "soft law" includes U.N. Declarations, general principles, and less-established customs.

¹⁷ 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 and increase in the number of principles that must be met in future years.

¹⁸ This is a separate question from whether each principle or standard is obligatory. 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.

¹⁹ "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.

²⁰ For example, keywords for standards could be: "living wage," "water," or "trade unions."

²¹ For example, an action might be: "a company must not use child labor or forced labor."

²² For example, actions should be listed separately for both "child labor" and "forced labor."

²³ 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.

²⁴ 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.

- C. **Comparative Index: Does the standard include a numerical figure or scale against which varying compliance between targeted actors could be measured?**²⁶ (Yes / No)
- D. **Basis in International Law: Does the standard claim that it is based on or consistent with recognized sources of international law?**²⁷ (Yes, hard international law / Yes, soft international law / No)
- E. Does the MSI require targeted actors to adhere to the standards immediately upon joining the MSI? (Yes / No) If no:
 - i. **Does the MSI provide a mandatory timeline for complying with the standards?**²⁸ (Yes / No)
- F. Context-Specific: Does the standard account for the specific context of targeted actors' activities, products or services? (Yes / No / Not applicable, as the MSI does not seek to set standards that are specifically targeted to a particular operating context or sector.)
- 7. 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.
- 8. **Does the MSI require that standards apply to targeted actors in their own activities and in those linked to them through their operations, products, or services by their business relationships (including all actors related through supply chains)?** (Yes / No / Not Applicable, because the MSI does not involve supply chains)

Challenge of Standards

- 9. Does the MSI allow members to challenge²⁹ the standards? (Yes / No) If no, proceed to III. Internal Governance. 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;**³⁰ (Yes, specify groups / No)

²⁵ For example, for a standard that obliged the targeted actor to "assess environmental risk," an external reference might 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 reference might reference the living wage or poverty level in the country where the targeted actor operates.

²⁶ 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.

²⁷ "Hard law" includes international legal instruments like treaties, core ILO Conventions, and well-established customs, see Restatement of Foreign Relations Law of the United States §702, while "soft law" includes U.N. Declarations, general principles, and less-established customs.

²⁸ 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, standards #1–4) in their first year of membership and increase in the number of standards that must be met in future years.

²⁹ For example, to dispute, protest, or oppose the standards directly to the MSI.

- b. **Local communities affected by the targeted activities;**³¹ (Yes, specify groups / No)
- c. **Organized groups who have an interest in the targeted activities;**³² (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, upon 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)

IV. INTERNAL GOVERNANCE

Transparency and Accessibility

1. **Does the MSI hold public meetings?** (Yes / No) If yes:
 - A. Where are meetings held?³³ (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 points³⁴ in each of the geographic regions³⁵ to which the MSI standards apply?** (Yes, all / Yes, some (list regions) / No)
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) / 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)

³⁰ 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.

³¹ For example, residents of a town where a factory operates.

³² For example, investor or consumer groups.

³³ For example, in Washington, D.C., or by teleconference.

³⁴ For example, direct offices, phone numbers, or email addresses.

³⁵ The geographic reach of the MSI's standards was identified in CONTEXT Q5. The geographic regions are: Africa, North America, Latin America, Asia, Europe, and/or Oceania.

- E. **A copy of the disciplinary procedures that apply 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. **Does the MSI identify the languages most widely spoken by rights-holders affected by the MSI and require that the documents about the governance of the MSI referred to above, or governance-related reports, are produced in the identified languages?** (Yes, list languages / No)
 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 may be contacted.
 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?³⁶ (Yes / No)
 - B. **Does the MSI have graduated membership fees within each stakeholder group?**³⁷ (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)
8. Does the MSI permit organizations or individuals to make voluntary financial contributions or payments to the MSI?³⁸ (Yes / No) If yes:
 - A. **Are the individual contributions of members publicized?**³⁹ (Yes / No)
 - B. **Are the individual contributions of non-members publicized?**⁴⁰ (Yes / No)
 - C. Does the MSI limit contributions from individuals or organizations? (Yes, state limits / No)

³⁶ 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.

³⁷ 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 with a large volume of business.

³⁸ Where there are compulsory membership fees, voluntary contributions and contributions made in excess of any membership fees are payments.

³⁹ 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.

⁴⁰ For example, line-by-line publications of contributions from other organizations.

9. Does MSI permit funding from a range of sources?⁴¹ (Yes / No) If yes:
 - A. Does the MSI value in-kind support in its financial reporting?⁴² (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?⁴³ (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?**⁴⁴ (Yes / No) If yes, continue. If no, proceed to Q19, *Membership: Inclusion and Quality*.
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 implementation⁴⁵ greater than 33% of total expenditure?**⁴⁶ (Yes / No / Information not available)
18. **Does the MSI publish information about the proportion or ratio of its expenditure dedicated to:**
 - 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:

⁴¹ For example, in-kind support, individuals, project grants, institutions (for example, from national human rights institutes or governments).

⁴² For example, would the MSI report as in-kind support the community hall space that a local NGO or community provides?

⁴³ That is, is there a permanent external commitment to fund the MSI?

⁴⁴ For example, are the administrative costs listed separately from the implementation costs?

⁴⁵ "Expenditure on implementation" includes all costs related to programs and services other than fundraising that further the MSI's purpose. This may include expenses relating to staff involved in direct oversight of programs, monitoring and evaluation systems, outreach and education campaigns, and other programs or services used to ensure that targeted actors and other stakeholders implement the MSI standards and processes.

⁴⁶ Charity Navigator, an independent non-profit organization that evaluates U.S.-based charities, uses this percentage to rate charities' financial health. See Charity Navigator, *How to We Rate Charities' Financial Health?*, <http://www.charitynavigator.org/index.cfm?bay=content.view&cpid=35#.ViLcALRVhBc> (accessed Oct. 17, 2015).

- 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) If yes:
 - 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) If yes:
 - 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) If yes:
 - 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) If yes:
 - 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) If yes:
 - 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) If yes:
 - 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) If yes:
 - 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) If yes:
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)

Stakeholder Representation

Membership: Inclusion and Quality

19. Does the MSI allow different classes of membership that result in differing levels of participation or decision-making rights?⁴⁷ (Yes / No) If yes, detail the levels of membership and the different rights attached to each tier of membership, and continue below.
- A. **Is each member equally authorized to participate in the MSI and participate in decision-making, regardless of whether the member is a targeted actor, NGO or civil society organization, affected population representative, or government?** (Yes / No) If no:
 - i. **Do all stakeholder groups have equal authority to participate in the MSI, including initiating, framing, reviewing, and implementing actions in all**

⁴⁷ For example, where there are different types of involvement within the MSI, such as participants, members, inactive members, engaged members, observing members, pillars, etc.

- functions and governing bodies?**⁴⁸ (Yes / No) If no, identify which group(s) are authorized to participate in all functions and governing bodies:
- 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)
- ii. **Do all groups have equal decision-making power?**⁴⁹ (Yes / No) If no, identify which group(s) have full power to make decisions:
- 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 members in 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 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?⁵⁰ (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?**⁵¹ (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;**⁵² (Yes, specify groups / No)

⁴⁸ Equal authority to participate means that all groups are allowed to participate and engage directly and fully 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*.

⁴⁹ Equal decision-making power occurs where all groups are authorized to make the same decisions as other groups.

⁵⁰ "Representatives" indicates the individual(s) that the targeted actor designates to represent it in the MSI.

⁵¹ These regulations may be qualitative, for example limiting contributions to those that are made in-kind, or quantitative, by placing monetary limits.

- b. Local communities affected by the targeted activities;⁵³ (Yes, specify groups / No)
- c. Organized groups who have an interest in the targeted activities;⁵⁴ (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)
 - b. Do the rules require that representatives be chosen in line with human rights principles?⁵⁵ (Yes / No)
 - c. Is there a provision for periodic community re-evaluation of the representative?⁵⁶ (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 INTERNAL GOVERNANCE Q20) **have at least one member from each geographic area in which the MSI's standards apply?** (Answer regarding geographic representation for each stakeholder group below.)
- A. **Targeted actors:**⁵⁷
 - 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)

⁵² 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.

⁵³ For example, residents of a town where a factory operates.

⁵⁴ For example, investor or consumer groups.

⁵⁵ For example, freedom from discrimination.

⁵⁶ For example, term limits, periodic re-election, etc.

⁵⁷ 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)
- 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)
 - 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?**⁵⁸ (Yes / No) (Identify geographic representation for specific stakeholder groups below.)
- 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)

⁵⁸ 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.

- 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?**⁵⁹
- A. **Make ultimate or overall decisions for the MSI?**⁶⁰ (Yes / No)
 - B. **Administer and/or implement the decisions of the MSI?**⁶¹ (Yes, MSI members undertake this function / Yes, *only* delegated staff undertake this function⁶² (Do not answer INTERNAL GOVERNANCE Q27–39 in relation to this function) / No)
 - C. Adjudicate disputes? (Yes / No) If yes:
 - i. Does this body develop jurisprudence?⁶³ (Yes / No)
 - D. Compile technical or expert opinions on matters relevant to the MSI?⁶⁴ (Yes / No)
 - E. **Review members' implementation of MSI standards and policies?**⁶⁵ (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, list decision-making bodies and specify their functions / 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 INTERNAL GOVERNANCE Q23 as being performed by one or more bodies, answer the following:⁶⁶
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?⁶⁷ (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)

⁵⁹ 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.

⁶⁰ 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.

⁶¹ This includes administration of the day-to-day business of the MSI, for example, through a secretariat or other administrative organ.

⁶² 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.

⁶³ For example, clarification of the interpretation of standards arising from disputes brought to the MSI's grievance body.

⁶⁴ For example, in relation to setting new standards, providing general comments on existing standards, or examining technical issues relevant to the MSI.

⁶⁵ For example, the results of the monitoring evaluations (see IMPLEMENTATION Q11) or targeted actors' periodic reports.

⁶⁶ This requires an analysis based on the number of substantive functions that the decision-making body performs, as identified in INTERNAL GOVERNANCE Q23, 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.

⁶⁷ I.e., is the body that performs this function responsible for multiple functions?

29. **Does the body expressly require diversity of stakeholders within its membership?**⁶⁸
 (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 representation 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 representation from at least one stakeholder from 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)
31. Does the body expressly require any form of geographic diversity among stakeholders represented within its membership?⁶⁹ (Yes / No) If yes:
- A. Does the body require membership of at least one stakeholder from 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)

⁶⁸ 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.

⁶⁹ For example, whether members must come from specific, under-represented, or diverse geographic areas.

32. Does the body require that at least one member must be a local or national organization?⁷⁰ (Yes / No)
33. **Is the appointment/election process for the body transparent?**⁷¹ (Yes / No)
34. Can members or stakeholders that do not sit on the body participate in the decision-making process of that body?⁷² (Yes / No)
35. **Are the decisions of the body publicly available?**⁷³ (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:
 - i. Does the record identify specific parties? (Yes, all / Yes, some / No)
 - ii. 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?**⁷⁴ (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?**⁷⁵ (Yes / No)
39. **Are meetings able to be conducted in multiple languages when speakers of multiple languages are present?** (Yes, list languages / No / Not Applicable, as the MSI only impacts regions that speak one language)

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, proceed to IMPLEMENTATION.
41. **Are there restrictions on who is permitted to file a complaint alleging breach of the rules 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 permitted to file complaints:
 - 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.)

⁷⁰ This does not include international organizations that have multiple national offices. It only includes organizations that are strictly local or national in their coverage.

⁷¹ For example, through documentation of the process and results.

⁷² "Participate" does not require voting powers. It may include, for example, observer status and informal contributions to discussions.

⁷³ For example, are minutes of the meetings kept or decisions otherwise recorded?

⁷⁴ A consensus system is not considered a veto power.

⁷⁵ That is, decisions that another MSI body does not need to approve?

- A. 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)
- B. 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 targeted actor against whom the complaint is filed excluded from participating in evaluating the complaint? (Yes / No)
- 44. **Is the appointment process for complaint evaluation decision-makers transparent?** (Yes / No)
- 45. **Is there a policy regarding conflicts of interest of complaint evaluation decision-makers?** (Yes / No)
- 46. **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)
- 47. **Is the number of resolved complaints published?** (Yes / No)
- 48. **Are official decisions published?** (Yes / No) If yes:
 - A. **Are decisions supported with reasons/justifications for the decision?** (Yes / No)
- 49. **Does the system set a timeframe 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)
- 50. Does the system allow for complainants to remain anonymous to the public? (Yes / No)
- 51. Does the system allow for complainants to remain anonymous to the party against whom the complaint is filed? (Yes / No)
- 52. **Does the MSI identify the languages most widely spoken by rights-holders affected by the MSI and require that procedures and decisions are available in the identified languages?** (Yes, list languages / No)

V. IMPLEMENTATION

Incentive Regime

1. Does the MSI employ any regimes to incentivize targeted actors' participation or performance within the MSI?⁷⁶ (Yes / No) If no, proceed to MONITORING: EVALUATIONS Q11. If yes, please select the regime used:
 - A. Certification/Accreditation⁷⁷; (Yes / No)
 - B. Rating system; (Yes / No)
 - C. Market benefit; (Yes, describe benefits / No)
 - D. Other. (Yes, specify / No)
2. Does the MSI identify the languages most widely spoken by rights-holders affected by the MSI and require that information about the incentive regime is available in the identified languages? (Yes, list languages / No)
3. **Is the process for determining entitlement to the incentive separate from the process of joining the MSI?**⁷⁸ (Yes / No)
4. **Does the MSI prohibit the targeted actor from solely determining whether it is entitled to the incentive?** (Yes / No). If yes, who determines that the target actor is entitled to incentive:
 - A. MSI body; (Yes / No)
 - B. Third party;⁷⁹ (Yes / No)
 - C. Other. (Yes, specify / No)
5. **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)
6. Does entitlement to the incentive require the targeted actor to restrict or monitor business relationships with other entities?⁸⁰ (Yes, explain policy / No)
7. **Does entitlement to the incentive require that MSI standards are met?** (Yes / No) If yes, continue. If no, detail the criteria for being eligible for incentives and proceed to MONITORING: EVALUATIONS.
8. Are different levels of incentives offered based on different levels of compliance with the standards? (Yes, explain operation of regime / No)
9. 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.)
10. **Is compliance with the incentive regime based on the results of an evaluation?** (Yes / No). If yes, proceed to MONITORING: EVALUATIONS Q11. If no:
 - A. **Is there a method for verifying compliance with the incentive regime?** (Yes, specify method / No).

⁷⁶ 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*.

⁷⁷ For example, allowing targeted actors to use a label, mark, or other indication of performance or participation in the MSI.

⁷⁸ As opposed to automatic entitlement to the incentive upon joining the MSI.

⁷⁹ For example, an industry auditor.

⁸⁰ 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.

Monitoring: Evaluations

11. **Are evaluations used in the MSI framework to examine targeted actors' compliance with MSI standards?** (Yes / No) If yes, continue. If no, proceed to [Monitoring: Reporting Q29](#).
12. **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:
 - 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)
13. Does the MSI use multiple types of evaluations?⁸¹ (Yes / No) If yes, answer [Q14–28](#) separately for each type of evaluation.

Evaluator

14. **Does the MSI prohibit the targeted actor from solely conducting the evaluation?** (Yes / No) If yes, who conducts the evaluation? (Select all that apply.)
 - A. MSI members; (Yes / No)
 - B. **Industry auditor;** (Yes / No)
 - C. **Multi-stakeholder team;** (Yes / No)
 - D. **Other;** (Yes, specify / No)
 - E. Not specified.
15. Do teams of evaluators conduct evaluations? (Yes / No) If yes:
 - A. **Do the teams include individuals from local communities?** (Yes / No)
16. 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.
17. **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)
18. Does the MSI have a policy prohibiting the targeted actor from paying the evaluator directly?⁸² (Yes / No)
19. **Does the MSI require evaluators to have experience in or undergo training in:**
 - A. **The human rights implicated by the MSI standards?** (Yes / No)
 - B. **The local context for the evaluation location, including local culture?** (Yes / No)

⁸¹ 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.

⁸² A payment is considered direct when it is 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.

- C. Any other disciplines relevant to the MSI standards that they are evaluating?⁸³ (Yes / No / Not Applicable, as MSI standards only relate to human rights)
20. Does the MSI require evaluators to include:
- Local community representatives in planning the evaluation? (Yes / No)
 - Local community representatives in conducting the evaluation? (Yes / No)
 - Civil society representatives in planning the evaluation? (Yes / No)
 - Civil society representatives in conducting the evaluation? (Yes / No)
21. Does the MSI require evaluators to have experience in the relevant culture or undergo training in cultural sensitivity? (Yes / No)
22. Does the MSI require evaluators to meet together periodically to share knowledge? (Yes / No)
If yes, which aspects must be discussed:
- Methods of ensuring consistency of compliance with standards; (Yes / No)
 - Challenges in implementation for local managers; (Yes / No)
 - Best industry practices; (Yes / No)
 - Other. (Yes, specify / No)
23. 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)

Procedure for the Evaluation

24. **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;** (Yes / No)
 - Other. (Yes, specify / No)
25. **Does the MSI provide any procedures or methodologies for the evaluations?** (Yes / No)
If yes:
- Are the procedures mandatory?** (Yes / No)
 - Are the evaluation methodology procedures standardized for evaluations of all targeted actors?**⁸⁴ (Yes / No)
 - Does the evaluation methodology establish guidelines for the duration of evaluations? (Yes / No) If yes, list.
 - 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? (Select all that apply.)
 - Employees of targeted actor; (Yes / No)
 - Affected populations;** (Yes / No) If yes, from which groups is information solicited?
 - Organized groups whose rights are affected by the targeted activities;**⁸⁵ (Yes, specify groups / No)

⁸³ For example, in human resources management, operations management, health and safety, or human rights.

⁸⁴ 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.

- II. **Local communities affected by the targeted activities;**⁸⁵ (Yes, specify groups / No)
 - III. **Organized groups who have an interest in the targeted activities;**⁸⁷ (Yes, specify groups / No)
 - IV. **Other.** (Yes, specify / No)
 - c. NGOs and/or civil society; (Yes / No)
 - d. Governments; (Yes / No)
 - e. Other. (Yes, specify / No)
 - ii. At what stages may stakeholders provide input to evaluators? (Select all that apply.)
 - a. Before the evaluation has begun; (Yes / No)
 - b. During the evaluation process; (Yes / No)
 - c. After the evaluation is concluded. (Yes / No)
- E. **Does the evaluation methodology require on-site visits?**⁸⁸ (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 involve unannounced visits?** (Yes / No)
 - v. Do evaluations involve announced visits? (Yes / No)
- F. **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. **Affected populations;** (Yes, specify / No)
 - 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)

⁸⁵ 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.

⁸⁶ For example, residents of a town where a factory operates.

⁸⁷ For example, investor or consumer groups.

⁸⁸ If the regulated industry does not involve physical sites, select "Not Applicable to the industry."

- b. In an outside location; (Yes / No)
- c. Other. (Yes, specify / No)
- iv. **Does the evaluation methodology seek to protect interviewees from reprisals?** (Yes, detail provisions / No)

Reporting Results of the Evaluation

26. **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? (Yes / No / Not Applicable to the industry) If no, how are findings summarized?
 - i. Summary regarding the targeted actor's performance as a whole; (Yes / No)
 - ii. Not specified by evaluation methodology; (Yes / No)
 - iii. Other. (Yes, specify / No)
 - 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)
27. **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, proceed to [Monitoring: Reporting Q29](#). 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? (Yes / No / Not Applicable to industry) If no, how does the MSI require that reports provided to it summarize findings?
 - I. Summary regarding targeted actor's performance as a whole; (Yes / No)
 - II. Not specified by evaluation methodology; (Yes / No)
 - III. Other. (Yes, specify / No)
 - 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)
28. **Can the targeted actor comment on the evaluator's report?** (Yes, MSI requires / Yes, MSI permits / No)

Monitoring: Reporting

Reporting by Targeted Actors

29. **Do targeted actors report information to the MSI?**⁸⁹ (Yes / No) If no, proceed to Q30. If yes:

- A. **Does the MSI require the reporting?** (Yes / No) If yes:
- Is reporting required on a regular basis?** (Yes / No) **If yes, how frequently is reporting required?** (Answer in months.)
 - 24 months or less;** (Yes / No)
 - Other. (Yes, specify / No)
- B. **What does the targeted actor report to the MSI?** (Select all that apply.)
- Level of compliance with standards;**⁹⁰ (Yes / No)
 - Efforts taken to implement MSI standards;**⁹¹ (Yes / No)
 - Specific incidents implicating a breach of MSI standards;** (Yes / No)
 - Remedial action taken on the basis of an evaluation showing noncompliance; (Yes / No)
 - Progress on implementation of previous MSI recommendations; (Yes / No)
 - Program and outreach initiatives; (Yes / No)
 - Other. (Yes, specify / No)
- C. Can other stakeholders contribute to the MSI's review of targeted actors' reports?⁹² (Select all that apply.)
- General public; (Yes / No)
 - NGOs and civil society; (Yes, MSI member / Yes, nonmember / Yes, both / No)
 - Affected populations;** (Yes, MSI member / Yes, nonmember / Yes, both / No) If yes, which groups can contribute?
 - Organized groups whose rights are affected by the targeted activities;**⁹³ (Yes, specify groups / No)
 - Local communities affected by the targeted activities;**⁹⁴ (Yes, specify groups / No)
 - Organized groups who have an interest in the targeted activities;**⁹⁵ (Yes, specify groups / No)
 - Other.** (Yes, specify / No).
 - Governments. (Yes, MSI member / Yes, nonmember / Yes, both / No)

30. **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)

⁸⁹ If evaluations are conducted and reports provided to the MSI, for example by answering "yes" to Q27 or 27.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.

⁹⁰ For example, reporting the results of evaluations or self-reporting on compliance.

⁹¹ For example, reporting the steps being taken to achieve compliance or improve existing efforts.

⁹² For example, shadow reporting.

⁹³ 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.

⁹⁴ For example, residents of a town where a factory operates.

⁹⁵ For example, investor or consumer groups.

31. Do targeted actors report directly to the general public? (Yes / No) If no, proceed to MSI Reporting to the General Public Q33. If yes, what does the targeted actor report to the general public?
- A. Level of compliance with standards;⁹⁶ (Yes / No)
 - B. Efforts taken to implement MSI standards;⁹⁷ (Yes / No)
 - C. Specific incidents of 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. 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)
32. **Does the MSI require the reporting?** (Yes / No) If yes:
- A. **Is reporting required on a regular basis?** (Yes / No)
 - i. **If yes, is reporting required by the targeted actor every 24 months or less?** (Yes / No)

MSI Reporting to the General Public

33. **Does the MSI issue public reports regarding implementation efforts of targeted actors?** (Yes / No) If yes, continue. If no, proceed to MONITORING: OTHER Q38.
34. **What does the MSI report include?** (Select all that apply.)
- A. **Targeted actors' 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 actors' efforts to implement MSI standards;**⁹⁸ (Yes / No) If yes:
 - i. **Does the report provide individual information for each targeted actor?** (Yes / No)
 - C. **Targeted actors' 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 actors' 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 actors' progress on implementation of previous MSI recommendations; (Yes / No) If yes:

⁹⁶ For example, reporting the results of evaluations or self-reporting on compliance.

⁹⁷ For example, reporting the steps being taken to achieve compliance or improve existing efforts.

⁹⁸ For example, reporting the steps being taken to achieve compliance or improve existing efforts.

- i. Does the report provide individual information for each targeted actor? (Yes / No)
 - F. Targeted actors' 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 actors' 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)
35. Can other stakeholders contribute to the reporting process?⁹⁹ (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)
 - iv. **Other**. (Yes, specify / No).
 - D. Governments. (Yes, any / Yes, only MSI members / No)
36. **Is public reporting required at regular intervals?** (Yes / No) **If yes, how frequently must reports be issued?** (Answer in months.)
- A. **At least every 24 months**; (Yes / No)
 - B. **Other**. (Yes, specify / No)
37. **Does the MSI identify the languages most widely spoken by rights-holders affected by the MSI and require that the reports are available in the identified languages?** (Yes, list languages / No) / No

Monitoring: Other

38. Does the MSI use another system other than evaluations or reporting for monitoring compliance with MSI standards? (Yes / No) If yes, continue. If no, proceed to STAKEHOLDER LEARNING AND ENGAGEMENT Q40.
39. Is the system compulsory for targeted actors? (Yes / No)
Briefly describe the system (the evaluator should assess if it meets the Essential Element requirements for Monitoring).

Stakeholder Learning and Engagement

40. Does the MSI have a program for promoting learning¹⁰⁰ among stakeholders about the targeted activity or relevant human rights issues? (Yes / No) If yes, continue. If no, proceed to SYSTEMS DEVELOPMENT AND OPERATIONALIZATION Q52.

⁹⁹ For example, shadow reporting.

¹⁰⁰ This includes programs focusing on increasing education, sharing information regarding best practices, developing solutions to industry problems, and promoting policy awareness among stakeholders.

41. **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. **Does 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)
- D. Governments. (Yes / No)

42. **Are all MSI members permitted to participate in the program?** (Yes / No) If no, which MSI members are able to participate in the program? (Select all that apply.)

- A. Targeted actor; (Yes / No)
- B. NGOs and civil society; (Yes / No)
- C. **Affected populations;** (Yes / No) If yes, what groups are authorized to participate?
 - 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)

43. How often do participants meet? (Answer in months.)

44. 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)
45. 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)
46. 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 / Not Applicable, as MSI does not have incentives)
 - B. Monitoring (Yes / No) If yes, which aspects of monitoring?
 - i. Evaluations; (Yes / No / Not Applicable, as MSI does not require evaluations)
 - ii. Reporting; (Yes / No / Not Applicable, as MSI does not require reporting)
 - iii. Other. (Yes, specify / No)
 - C. Systems development and operationalization; (Yes / No / Not Applicable, as MSI does not require targeted actors to institute or revise systems)
 - D. Programs and outreach; (Yes / No / Not Applicable, as MSI does not conduct programs or outreach)
 - E. Targeted actor grievance mechanisms; (Yes / No / Not Applicable, as MSI does not require targeted actor grievance mechanisms)
 - F. MSI's grievance mechanism; (Yes / No / Not Applicable, as MSI does not have a grievance mechanism)
 - G. Accountability: (Select all that apply.)
 - i. Resource allocation; (Yes / No)
 - ii. MSI Recommendations. (Yes / No)
47. **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 the Chatham House rule? (Yes, all discussions and outcomes are confidential / Yes, for certain aspects (Specify.) / No)
48. Do the participants in the program periodically report to the MSI on their progress? (Yes / No)
49. Does the MSI report publicly on the learning programs that it sponsors? (Yes / No)
50. Are meetings able to be conducted in multiple languages when speakers of multiple languages are present? (Yes, list languages / No / Not Applicable, as the MSI only impacts regions that speak one language)
51. 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

52. 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 clauses 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)
53. **Does the MSI require targeted actors to give effect to the standards by instituting or revising systems?**¹⁰¹ (Yes, and the required changes are specified by the MSI¹⁰² / Yes, required changes not specified by the MSI¹⁰³ / No) If yes and the required changes are specified, continue. Otherwise, proceed to PROGRAMS AND OUTREACH Q59.
54. **What systems must be instituted or revised?**
- A. **Mandatory policies or procedures;**¹⁰⁴ (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;¹⁰⁵ (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. Human rights due diligence assessments; (Yes / No / Not Applicable to the MSI and/or industry) If yes:
 - a. Does the MSI require targeted actors conducting human rights due diligence to map and/or identify all sources in their supply chains? (Yes / No / Not Applicable to the MSI and/or industry)
 - xi. Other. (Yes, specify / No)
 - B. Guidelines or other voluntary policies or procedures;¹⁰⁶ (Yes / No) If yes, for which areas:
 - i. Employment; (Yes / No / Not Applicable to MSI and/or industry)

¹⁰¹ This includes instances where the standards themselves require targeted actors to modify or institute systems.

¹⁰² For example, where the MSI explicitly specifies that a particular policy, such as employment policies, or contract form must be amended.

¹⁰³ 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.

¹⁰⁴ The policies or procedures that a targeted actor *requires* its employees, constituents, or the entity as whole to follow.

¹⁰⁵ This includes, but is not limited to, lobbying government officials and responding to government requests for information.

¹⁰⁶ The policies or procedures that a targeted actor *encourages* its employees, constituents, or the entity as whole to follow.

- 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;¹⁰⁷ (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. Human rights due diligence assessments of their supply chains? (Yes / No / Not Applicable to the MSI and/or industry) If yes:
 - a. Does the MSI require targeted actors conducting human rights due diligence to map and/or identify all sources in their supply chains? (Yes / No / Not Applicable to the MSI and/or industry)
 - xi. 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)

¹⁰⁷ This includes, but is not limited to, lobbying government officials and responding to government requests for information.

- 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)
55. Are targeted actors required to communicate publicly their policies or procedures for instituting or revising systems throughout their supply chain or business relationships in order to comply with MSI standards? (Yes / No / Not Applicable)
56. Are targeted actors required to communicate policies or procedures for instituting or revising systems to comply with MSI standards to all suppliers, business relations, and other parties to their operations? (Yes / No / Not Applicable)
57. 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?¹⁰⁸ (Yes / No / Not Applicable, as the MSI does not require changes to the business relationships of targeted actors)
58. Does the MSI prohibit targeted actors from entering business relationships with industry members who do not meet MSI standards?¹⁰⁹ (Yes / No / Not Applicable)

Programs and Outreach

59. **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)

¹⁰⁸ 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?

¹⁰⁹ For example, they consistently fail evaluations and make no effort to come into compliance with framework standards.

- 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. An image or statement to show targeted actors' membership in the MSI? (Yes / No / Not Applicable to MSI and/or industry)
 - vi. 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)
 - ii. 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)
60. **Does the MSI sponsor program(s) designed to provide information about the MSI for non-members?**¹¹⁰ (Yes / No) If yes, continue. If no, proceed to GRIEVANCES Q68.
61. **Does the MSI sponsor local programs in each geographic area in which the MSI operates?**¹¹¹ (Select all that apply.)
- 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)
62. **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;**¹¹² (Yes, specify groups / No)
 - b. **Local communities affected by the targeted activities;**¹¹³ (Yes, specify groups / No)
 - c. **Organized groups who have an interest in the targeted activities;**¹¹⁴ (Yes, specify groups / No)
 - d. **Other.** (Yes, specify / No)
 - iii. **Individual local community members;**¹¹⁵ (Yes / No)

¹¹⁰ 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.

¹¹¹ For information on regions that the MSI affects, see CONTEXT Q5.

¹¹² 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.

¹¹³ For example, residents of a town where a factory operates.

¹¹⁴ For example, investor or consumer groups.

¹¹⁵ "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.

- 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 Q62 answer the following:

63. **Does the MSI identify the languages most widely spoken by the group in each region targeted by the program and make information available in the identified languages?** (Yes, list languages / No)
64. 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 / Not Applicable, as MSI does not conduct monitoring or evaluations)
 - D. The MSI's grievance process; (Yes / No / Not Applicable, as MSI does not have a grievance process)
 - E. Opportunities for public input/participation in the MSI; (Yes / No)
 - F. Contact information; (Yes / No)
 - G. Other. (Yes, specify / No)
65. How is the information distributed?
- A. Written documents; (Yes / No)
 - B. In-person training sessions; (Yes / No)
 - C. Permanent local MSI representative;¹¹⁶ (Yes / No)
 - D. Through local media; (Yes / No)
 - E. MSI's website; (Yes / No)

¹¹⁶ For example, a community liaison officer or local contact point.

F. Other. (Yes, specify / No)

66. Is the MSI's programming offered free of charge? (Yes, all / Yes, some / No)

67. Does the MSI publicize targeted actors' community outreach initiatives? (Yes / No)

Grievances

Targeted Actors' Grievance Mechanisms

68. 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, proceed to [MSI Grievance Mechanism Q73](#).

69. Does the MSI require targeted actors to have their own grievance mechanism? (Yes / No) If yes:

A. 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?¹¹⁷ (Yes, specify the policy regarding independence / No) If no:

i. 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?¹¹⁸ (Yes, specify the policy regarding externality / No)

B. Are complainants required to exhaust a targeted actor's system prior to filing a grievance in the MSI grievance mechanism?¹¹⁹ (Yes / No / Not Applicable, as the MSI does not have a system for taking grievances)

C. 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)

70. 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?¹²⁰ (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)

71. Does the MSI require targeted actors to utilize pre-existing, external procedures to process grievances? (Yes, specify pre-existing procedures utilized / No) If yes, answer [Q75-98](#) for the procedures that the MSI requires for targeted actors' grievance mechanisms. Then, continue and answer [Q73-98](#) separately for the MSI's grievance mechanism.

72. 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 [Q75-98](#) for the procedures that the MSI requires for targeted actors' grievance mechanisms. Then, continue and answer [Q73-98](#) separately for the MSI's grievance mechanism.

¹¹⁷ 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.

¹¹⁸ A decision-maker is external when they are not an employee of the targeted actor.

¹¹⁹ 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.

¹²⁰ For example, specifying that if a complaint is not resolved within six weeks, the matter must be referred to the MSI.

MSI Grievance Mechanism

73. **Does the MSI have a system(s) for resolving grievances?**¹²¹ (Yes / No) If yes, continue. If no, proceed to [Accountability Q99](#).
74. Does the MSI have multiple types of grievance mechanisms?¹²² (Yes / No) If yes, answer [Q75–98](#) separately for each type of mechanism.
75. Does the MSI channel grievances into pre-existing, external procedures to process grievances? (Yes, specify pre-existing procedures utilized / No)
76. **Is any member of the general public permitted to file a complaint?** (Yes / No) If no:
- Who is permitted to file a complaint?** (Select all that apply.)
 - MSI members;** (Yes / No)
 - Members of local communities that targeted actors' operations impact;** (Yes / No)
 - NGOs and/or civil society organizations;** (Yes / No)
 - Employees of regulated industry;** (Yes / No)
 - Government; (Yes / No)
 - Other. (Yes, specify / No)
77. Is any individual or group specifically prohibited from filing a complaint? (Yes, specify / No)
78. **Are governments or NGOs and/or civil society organizations permitted to bring complaints on behalf of individuals or communities?** (Yes / No) If yes:
- Are those organizations required to first obtain consent from the individual or community?** (Yes / No)
79. **Does the mechanism allow complainants to designate an advocate**¹²³ **to represent or assist them during the grievance process?** (Yes / No) If yes:
- Is the advocate permitted to participate on behalf of the complainant throughout the grievance process?** (Yes / No, specify when the representative is excluded)
 - Is the complainant entitled to freely choose any advocate?** (Yes / No, specify restrictions)
 - 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)
 - 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:
 - Are there measures in place to ensure that the advocate does not have a conflict of interest?** (Yes / No)
 - Does the MSI require the advocate to have technical training regarding and/or experience with:
 - The MSI's standards; (Yes / No)
 - International human rights standards; (Yes / No)
 - The MSI's grievance process; (Yes / No)

¹²¹ When answering these questions, do not consider any grievance mechanism that resolves breaches of internal governance, as this mechanism was considered in Internal Governance, [Q40 - Q52](#) above. See Definitions of Key Terms, page 9.

¹²² For example, one mechanism for MSI members to submit complaints and a separate mechanism for members of the general public to submit complaints.

¹²³ An advocate includes any support person, ranging from a lawyer to a family or friends.

- 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)
 - E. Does the MSI ever bear the cost of providing the advocate's service for the complainant? (Yes, always / Yes, sometimes (Specify circumstances) / No)
80. 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.¹²⁴ (Yes, specify / No)
81. **Can complaints be filed via at least two of the above methods of filing?** (Yes / No)
82. Are there admissibility criteria for complaints?¹²⁵ (Yes, specify / No)
83. Does the mechanism ensure that complaints made by affected populations relating to breaches of standards at a local level are heard or investigated in a location accessible to the affected population? (Yes / No)
84. Does the mechanism have a system for identifying or mapping all relevant parties to a complaint?¹²⁶ (Yes, specify / No)
85. Does the grievance mechanism allow one complainant to bring claims on behalf of multiple, similarly-situated individuals?¹²⁷ (Yes / No)

Evaluation of Complaints

86. Does the process for evaluating complaints entail different procedures or processes depending on the progress of the complaint throughout the different phases of the mechanism?¹²⁸ (Yes / No) If yes:
- A. What phases does the grievance mechanism include?
 - 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;¹²⁹ (Yes / No)

¹²⁴ 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.

¹²⁵ For example, limitations on who may bring a complaint, against which targeted actors a complaint may be filed, or the ability of a complainant to make use of more than one remedy avenue at a time.

¹²⁶ For example, to hire an external facilitator to map the possible complainants and alleged violators.

¹²⁷ This includes representative or class actions, where complaints are permitted to collectively bring a claim.

¹²⁸ 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.

- iv. Appeal process; (Yes / No)
 - v. Remediation; (Yes / No)
 - vi. Other. (Yes, specify / No)
87. Does the process for evaluating complaints entail different procedures or processes depending on the severity of the alleged breach of MSI standards?¹³⁰ (Yes / No).
Answer the following questions Q88–98 separately for each phase identified in Q86 and/or each level of severity identified in Q87 if complaint procedures differ based on phase or severity of complaint.
88. **Is the complaint evaluated against the MSI standards?** (Yes / No / Not relevant to this phase of the grievance process)
89. How is the complaint handled?
- A. Adjudication;¹³¹ (Yes / No)
 - B. Investigation;¹³² (Yes / No)
 - C. Negotiation between complainant and targeted actor;¹³³ (Yes / No)
 - D. Mediation or conciliation;¹³⁴ (Yes / No)
 - E. Facilitation.¹³⁵ (Yes / No)
90. **Is a decision-maker involved in the complaint process?** (Yes / No) If yes, continue. If no, proceed to Q91.
- A. Is there a permanently established decision-maker?¹³⁶ (Yes / No)
 - B. **Is the targeted actor against whom the complaint is filed prohibited from being part of the decision-making process?** (Yes / No)
 - C. Who is eligible to serve as a decision-maker? (Select all that apply)
 - i. MSI Members; (Yes / No) *If yes, which members are eligible to be decision-makers:*
 - a. Targeted actors; (Yes / No)
 - b. NGOs and civil society institutions; (Yes / No)
 - c. Governments; (Yes / No)
 - d. *Affected populations (i.e., rights-holders).* (Yes / No)
 - ii. 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;¹³⁷ (Yes / No)

¹²⁹ I.e., evaluating the merits of the complaint.

¹³⁰ 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.

¹³¹ Where participants present arguments and evidence to a decision-maker who makes a determination.

¹³² Where a third party investigates the complaint and determines the outcome, without any formally required involvement from the parties.

¹³³ Where parties directly enter a dialogue in order to reach an agreement, without the assistance of a third party.

¹³⁴ 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.

¹³⁵ 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.

¹³⁶ A decision-maker will be considered permanently established if the decision-maker was appointed or identified prior to the complaint being filed.

¹³⁷ For example, a professional mediator, adjudicator, or referee.

- d. Other. (Yes, specify / No)
- D. **Is the appointment process for decision-makers transparent?** (Yes / No)
- E. **Is there a policy regarding conflict of interest of decision-makers?** (Yes, specify / No)
- 91. **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)
- 92. **Is the number of resolved complaints published?** (Yes / No)
- 93. **Are official decisions published?** (Yes / No) If yes:
 - A. **Are decisions supported with reasons/justifications for the decision?** (Yes / No)
- 94. **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 timeframe / No, there is no timeframe specified / Not Applicable, as there is a permanently established person or body)
 - 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)
- 95. **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)
 - a. Is it required that this communication must consult about the effectiveness of the grievance process outcome from the complainants' perspective? (Yes / No)
 - v. **When the remedy has been fulfilled.** (Yes, with timeframe / Yes, without timeframe / No)
 - a. Is it required that this communication must consult about the effectiveness of the grievance process outcome from the complainants' perspective? (Yes / No)
 - B. Are the results of these communications recorded? (Yes / No)
 - C. **Are the results of these communications made public?** (Yes / No)
- 96. Does the system allow for complainants to remain publicly anonymous? (Yes / No)
- 97. **Does the system allow for complainants to remain anonymous to the targeted actor against whom the complaint is filed?** (Yes / No)

98. **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 complainant 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's website; (Yes / No / Not Applicable to MSI and/or industry)
 - ii. Targeted actor's offices, factories, or other physical sites; (Yes / No / Not Applicable to MSI and/or industry)
 - iii. In targeted actor's 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. **Does the MSI identify the languages most widely spoken by rights-holders affected by the MSI and require that information about the system is available in the identified languages?** (Yes, list languages / No)

Accountability

MSI Recommendations to Targeted Actors

99. Does the MSI provide recommendations regarding implementation for each targeted actor? (Yes / No) If yes, continue. If no, proceed to Sanctions Q100.
- A. What does the MSI provide recommendations about? (Select Not Applicable if the MSI does not perform the particular function.)
 - i. Targeted actors' evaluations and/or reports; (Yes / No / Not Applicable)
 - ii. Targeted actors' compliance with standards; (Yes / No / Not Applicable)
 - iii. Targeted actors' systems development and operationalization; (Yes / No / Not Applicable)
 - iv. Targeted actors' participation in or implementation of stakeholder learning and engagement programs; (Yes / No / Not Applicable) If yes:
 - a. Does the MSI also provide recommendations to other MSI members on their participation in or implementation of stakeholder learning and engagement programs? (Yes / No)

- v. Targeted actors' programming and outreach; (Yes / No / Not Applicable)
 - vi. Targeted actors' internal grievance mechanisms; (Yes / No / Not Applicable)
 - vii. Other. (Yes, specify / No)
- B. **Are recommendations made public?** (Yes, always / Yes, sometimes / No)
- i. **Does the MSI have a policy regarding confidentiality of recommendations?** (Yes, specify policy / No)
- C. **Are targeted actors required to comply with MSI recommendations?** (Yes, all / Yes, some / No) If yes, some, which recommendations must be complied with?
- i. Recommendations on targeted actors' evaluations and/or reports; (Yes / No / Not Applicable)
 - ii. Recommendations on targeted actors' compliance with standards; (Yes / No / Not Applicable)
 - iii. Recommendations on targeted actors' systems development and operationalization; (Yes / No / Not Applicable)
 - iv. Recommendations on targeted actors' participation or implementation of stakeholder learning and engagement programs; (Yes / No / Not Applicable) If yes:
 - a. Does the MSI also provide recommendations to other MSI members on their participation in or implementation of stakeholder learning and engagement programs? (Yes / No)
 - v. Recommendations on targeted actors' programming and outreach; (Yes / No / Not Applicable)
 - vi. Recommendations on targeted actors' internal grievance mechanisms; (Yes / No / Not Applicable)
 - vii. Recommendations on other issues. (Yes, specify / No)
- D. **Is there a time frame for complying with recommendations?** (Yes / No)
- E. **Is there a follow-up process to evaluate compliance with recommendations?** (Yes / No) If yes:
- i. Who conducts the follow-up?
 - a. Targeted actor; (Yes / No)
 - b. MSI members; (Yes / No)
 - c. Industry auditor; (Yes / No)
 - d. Third party; (Yes / No)
 - e. Other. (Yes, specify / No)
 - ii. How does the evaluator assess compliance? (Select all that apply.)
 - a. On-site visits; (Yes / No)
 - b. Document reviews; (Yes / No)
 - c. Other. (Yes, specify / No)
 - iii. Can other stakeholders contribute to the follow-up process?¹³⁸ (Yes / No) If yes, who can contribute?
 - a. General public; (Yes / No)
 - b. Nonmember NGOs and civil society; (Yes / No)
 - c. **Affected populations;** (Yes / No) If yes, what groups can contribute?

¹³⁸ For example, shadow reporting.

- 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. Nonmember governments. (Yes / No)

Sanctions

100. Does the MSI enable or encourage public enforcement of its standards in national and/or international processes?¹³⁹ (Yes / No)
101. **Does the MSI have the power to sanction a targeted actor?** (Yes / No) If yes, continue. If no, proceed to DEVELOPMENT OF THE MSI.
102. **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 / Not Applicable, as MSI does not have an incentive regime)
 - c. **Probation, by way of suspension of the targeted actor's MSI membership until compliance is 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, sometimes (specify policy) / No)
 - 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?**

¹³⁹ For example, by encouraging domestic legislation to incorporate the MSI's standards.

- 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, sometimes (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 / Not Applicable, as MSI does not have an incentive regime)
 - 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? (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)
- 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 / Not Applicable, as MSI does not have an incentive regime)
 - 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, sometimes (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 / Not Applicable, as MSI does not have an incentive regime)
 - 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 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 / Not Applicable, as MSI does not have an incentive regime)
 - 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, sometimes (specify policy) / No)

VI. 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? (Select Not Applicable if the MSI does not perform or require the particular undertaking.)
 - a. Incentives; (Yes / No / Not Applicable)
 - b. Monitoring: Evaluations; (Yes / No / Not Applicable)
 - c. Monitoring: Reports; (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; (Yes / No / Not Applicable)
 - 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, proceed to REVIEW OF THE MSI Q9.
3. Did the MSI follow a separate and different process of formation for particular components of the MSI?¹⁴⁰ (Yes / No) If yes, select the components that were formed separately and differently from the other components. Answer Q5–8 separately for each component, in addition to answering Q5–8 for the general process of MSI formation.
4. Standards; (Yes / No)
 - A. Internal Governance; (Yes / No)
 - B. Implementation; (Yes, all / Yes, some / No) If yes, some, which aspects were formed separately and differently? (Select Not Applicable if the MSI does not perform or require the particular undertaking.)
 - i. Incentives; (Yes / No / Not Applicable)
 - ii. Monitoring: Evaluations; (Yes / No / Not Applicable)
 - iii. Monitoring: Reports; (Yes / No / Not Applicable)
 - iv. Stakeholder Learning and Engagement; (Yes / No / Not Applicable)
 - v. Systems Development and Operationalization; (Yes / No / Not Applicable)
 - vi. Programs and Outreach; (Yes / No / Not Applicable)

¹⁴⁰ 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.

- vii. Grievance mechanism. (Yes / No / Not Applicable)
5. **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)
6. **Did the MSI permit the general public to provide input during the formation process?** (Yes / No)
7. **Did the MSI invite representatives specifically from affected populations (i.e., rights-holders)¹⁴¹ to participate in the formation process?** (Yes / No) If yes:
- A. Which populations were invited to participate?
- i. Organized groups whose rights are affected by the targeted activities;¹⁴² (Yes, specify groups / No)
 - ii. Local communities affected by the targeted activities;¹⁴³ (Yes, specify groups / No)
 - iii. Organized groups who have an interest in the targeted activities;¹⁴⁴ (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, how? (Select all that apply.)

¹⁴¹ "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 residents of a town where a factory operates, or consumers.

¹⁴² 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.

¹⁴³ For example, residents of a town where a factory operates.

¹⁴⁴ For example, investor or consumer groups.

- i. Advocate / liaison / support person; (Yes / No)
 - ii. Consultations with the affected population; (Yes / No)
 - iii. Direct representation during discussions with other stakeholders;¹⁴⁵ (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)
8. 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)

Review of the MSI

9. **Are there processes to review the effectiveness or operation of the components of the MSI, or the MSI itself?**¹⁴⁶ (Yes / No) If yes, continue. If no, the evaluation of the MSI is complete.

Components for Review

10. **Does the MSI have a process for reviewing existing standards and/or developing new standards?**¹⁴⁷ (Yes / No) If yes:
- A. Does the review process include:
 - i. Periodically reviewing the sufficiency of existing standards? (Yes / No)

¹⁴⁵ For example, physical participation in the negotiations or consultations.

¹⁴⁶ If you answered yes to IMPLEMENTATION Q23.F above, answer "Yes."

¹⁴⁷ For example, a body that reviews the standards either as its exclusive task or as part of a broader mandate.

- 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?¹⁴⁸ (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)
11. **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)
12. **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. Grievance Mechanism. (Yes / No / Not Applicable) If yes:
 - 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? (Yes / No / Not Applicable, as there are no other MSIs that apply to the same regulated industry or activity)
13. **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 actors; (Yes / No) If yes, what impacts are considered?

¹⁴⁸ 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.

- 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 / Not Applicable)
 - iv. **The MSI's grievance process;** (Yes / No / Not Applicable)
 - v. **Opportunities for public input/participation in the MSI;** (Yes / No / Not Applicable)
 - 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 review process 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 Q10–13 that was answered “yes” and for which a *separate* review process is conducted, answer the following:

14. Does the review process require or permit input from:

- A. Targeted actor; (Yes, required / Yes, permitted / No)

- B. **Affected populations (i.e., rights-holders);**¹⁴⁹ (Yes, required / Yes, permitted / No) If yes, what groups can participate?
 - a. **Organized groups whose rights are affected by the targeted activities;**¹⁵⁰ (Yes, specify groups / No)
 - b. **Local communities affected by the targeted activities;**¹⁵¹ (Yes, specify groups / No)
 - c. **Organized groups who have an interest in the targeted activities;**¹⁵² (Yes, specify groups / No)
 - d. **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)
15. Is the review process open to public input? (Yes / No)
 16. Does the review process consider recommendations from the learning program?¹⁵³ (Yes / No)
 17. Who conducts the review?¹⁵⁴ (Select all that apply.)
 - A. MSI body; (Yes / No)
 - B. Third party. (Yes / No)
 18. How long does each review take? (Enter in months.)
 19. **Do reviews occur at least every five years?** (Yes / No) If no, how frequently do reviews occur? (Answer in years.)
 20. **Is the review funded by the MSI's general budget?** (Yes / No) If no, specify how reviews are funded.
 21. **Are there public reports issued disclosing the results of the internal review?** (Yes / No)
 22. 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)

¹⁴⁹ "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 residents of a town where a factory operates, or consumers.

¹⁵⁰ 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.

¹⁵¹ For example, residents of a town where a factory operates.

¹⁵² For example, investor or consumer groups.

¹⁵³ See [IMPLEMENTATION Q40](#).

¹⁵⁴ If you answered yes to [INTERNAL GOVERNANCE Q23E](#), answer "MSI body."

