



Access to Remedy (Malaysia)

There is clear and readily accessible access to remedy - Workers at all levels have access to judicial remedy and to credible grievance mechanisms, without fear of recrimination or dismissal.

Earthworm Foundation's Respect of Workers Principles, Principle 10

Definition

"Grievances are concerns, problems or complaints that employees raise with their employer."

In general, there is no fixed process that an employer must follow when raising or handling grievance at work. However, there is a set of principles that employer must observe to achieve a reasonable standard of behaviours in handling grievances. These include the **National Union of Plantation Workers (NUPW) Collective Agreement (2019), under Article 5 (Grievance Redressal Procedure)**.

Why a company / employer needs a grievance system?

- To enable employees to channel their concerns, problems or complaints.
- To clarify the nature of grievances.
- To investigate the reasons for grievances.
- To obtain, where possible, a speedy resolution.
- To take appropriate actions, and ensure promises are kept.
- For the palm oil sector, access to remedy or the presence of a safe, effective grievance system has been included in **MSPO's (Principle 4.4.2)** and **RSPO's (Principle 4.2.1 (C))** latest guidelines.

What are the benefits of having a grievance system in place?

- To encourage employees to raise their grievances without fear of reprisal.
- To provide fair and speedy means of dealing with complex complaints.
- To avoid minor disagreement evolves into more serious disputes.
- To resolve internal dispute.
- To avoid harm from a civil lawsuit.
- It helps developing an organisational climate based on trust and openness.

Key Principles in Providing Grievance System



Workers must be **protected from** any retribution or punishment, including deportation in the case of foreign workers.



The grievance process must be conducted **independently by** management who are not involved in the grievance. Management must ensure that workers trust the process and be kept informed of the resolution process.



All grievances should be **recorded and treated seriously**. A grievance record is a tool for documenting all complaints or grievances lodged. It should be used for any grievance, regardless of the outcome of the grievance procedure. It is also an important tool for monitoring recurrent grievances with a view to prevent their reoccurrence.

For more information, refer [EF Factsheet Access to Remedy](#).

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