



# GRIEVANCE REDRESS MECHANISM

## Vanuatu Infrastructure Reconstruction and Improvement Project

### **Abstract**

The Grievance Redress Mechanism (GRM) sets out the approach to dealing with complaints and grievances that may result from project works under the Vanuatu Infrastructure and Improvement Project (VIRIP)



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### Notice

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## Contents

1.	Grievance Redress Mechanism (GRM): Introduction .....	1
2.	GRM Principles .....	2
	GRM Objectives .....	2
	GRM Definitions .....	2
3	World Bank Requirements .....	4
4	Overview of the GRM Implementation.....	5
	Arrangements for Complaints and Grievances.....	5
5	Grievances Procedure .....	8
	Receive .....	8
	Investigate / Enquire.....	8
	Respond and Resolve .....	9
	Follow up/Close Out .....	9
6	Institutional Arrangements.....	13
	Project Support Team (PST) .....	13
	Project Implementation Committee (PIC) .....	13
	Community Project Officer (CPO) .....	13
	Affected Person or Complainant.....	13
	Community representatives .....	14
	Contractors .....	14
7	Awareness raising and disclosure of the GRM.....	15
8	Conclusion and Application of the GRM .....	16
A.	Grievance Report Form.....	17

## Abbreviations

<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>AP</b>	Affected Person
<b>CLO</b>	Community Liaison Officer (Contractor)
<b>CPO</b>	Community Partnership Officer (PWD)
<b>DEPC</b>	Department of Environmental Protection and Conservation
<b>ESMP</b>	Environment and Social Management Plan
<b>GoV</b>	Government of Vanuatu
<b>GRM</b>	Grievance Redress Mechanism
<b>GRS</b>	Grievance Redress Service (World Bank service)
<b>IBC</b>	Island Based Contractor
<b>IR</b>	Involuntary Resettlement
<b>MIPU</b>	Ministry of Infrastructure & Public Utilities
<b>MOET</b>	Ministry of Education and Training
<b>NGO</b>	Non-Government Organisation
<b>OP</b>	Operational Policies (of the World Bank Operational Manual)
<b>PEO</b>	Provincial Education Officer
<b>PIC</b>	Project Implementation Committee
<b>PST</b>	Project Support Team
<b>PWD</b>	Public Works Department
<b>RPF</b>	Resettlement Policy Framework
<b>SC</b>	Supervising Consultant
<b>VIRIP</b>	Vanuatu Infrastructure Reconstruction and Improvement Project
<b>VLD</b>	Voluntary Land Donation
<b>WB</b>	World Bank

## **1. Grievance Redress Mechanism (GRM): Introduction**

This document provides guidance for the management of complaints and grievances under Vanuatu Infrastructure Reconstruction and Improvement Project (VIRIP). The purpose is to provide a suitable, centralized mechanism (GRM) for VIRIP that can also be applied to meet the World Bank's safeguard requirements.

Originally contained in the VIRIP Environmental and Social Management Framework (ESMF), this GRM has been revised and expanded so it can be released as a standalone document that covers both complaints and grievances under VIRIP for easier use and reference. A copy of this GRM is contained in the Annexes of the VIRIP's other safeguards frameworks documents; the Resettlement Policy Framework (RPF) and the ESMF. In the event of any differences between versions, this, the standalone version of the GRM will take precedence.

The GRM outlines a process for documenting and addressing project grievances (and complaints) that may be raised by affected persons or community members regarding specific project activities, environmental and social performance, the engagement process, and/or unanticipated social impacts resulting from project activities. It describes the scope and procedural steps and specifies roles and responsibilities of the parties involved. The GRM is subject to revision based on experience and feedback from stakeholders.

## 2. GRM Principles

A Grievance Redress Mechanism (GRM) is proposed to address any complaints and grievances arising during the course of implementing the project. Members of the public may perceive risks to themselves or their property, or have concerns about the environmental performance of the project. Any concerns or grievances should be addressed quickly and transparently, and without retribution to the affected person (AP) or Complainant.

Primary principles are that all complaints and grievances are resolved as quickly as possible. It therefore follows that the resolution of complaints and grievances should be at the lowest possible level for resolution.

All minor land or property related complaints that can be resolved, should be resolved immediately on the site. The focus of the GRM is to resolve issues in a customarily appropriate fashion at community level and record details of the complaint, the complainant and the resolution.

### GRM Objectives

The GRM has the following objectives:

1. Establish a prompt, easy to understand, consistent and respectful mechanism to support the receiving, investigating and responding to complaints or grievances from community stakeholders;
2. Ensure proper documentation of complaints or grievances and any corrective actions taken; and
3. Contribute to continuous improvement in performance of VIRIP through the analysis of trends and lessons learned.

### GRM Definitions

An **affected person** (AP) is a person that is adversely affected temporarily or permanently as a result of sub-project works under VIRIP.

A **complaint** is a statement (verbal or written) or expression of displeasure that an impact or effect arising from a sub-project is unsatisfactory or unacceptable to the complainant. For the purposes of this RPF, a complaint is a concern about a minor impact or effect that is short term, low in risk, often temporary, that typically does not require an investigation but **does** require a specific response to remove or remediate the unsatisfactory or unacceptable impact or effect. Unresolved complaints may become grievances if not dealt with appropriately and within a short (typically 2 days but a maximum of 14 days) timeframe. Complaints able to be dealt with or resolved immediately can be referred to as minor complaints.

A **grievance** is a statement about an action, impact or effect arising from a sub-project that adversely affect the rights, health and/or well-being of an affected person or people to the extent that it forms legitimate grounds for grievance and if upheld, may result in compensation, legal action or a change to the sub-project in order to resolve the grievance. For the purposes of this RPF, a grievance will require specific response and potentially and formal intervention by supervisor or client for resolution and such resolution must be formally agreed and recorded. Grievances may be raised verbally or in



writing but must be reported using the Grievance Report Form which must be completed in every instance.

### 3 World Bank Requirements

The grievance process is based upon the premise that:

1. stakeholders are free to raise their concerns to relevant representatives at no cost or threat of any negative repercussions;
2. concerns arising from project implementation are adequately addressed in a timely and respectful manner; and
3. participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

The VIRIP PST will manage the overall GRM, utilizing formal, informal and traditional grievance procedures suitable to the Vanuatu context. Generally, complaints and grievances will be resolved at the community level as much as possible under the management of the contractors and the Supervising Consultant (SC) representative. Assistance may be offered by the Ministry of Infrastructure and Public Utilities (MIPU) primarily through its Public Works Department (PWD) through the use of the local PWD Community Projects Officer (CPO) or in the case of complaints or disputes to do with school grounds, the Ministry of Education and Training (MOET) School Principal or the MOET Provincial Education Officer (PEO).

Grievances may be firstly referred to customary conflict mediation arrangements where appropriate, with the assistance of the Area Chief or so long as they are not directly affiliated with leaders who are party to the grievance. If the issue cannot be resolved at this level, it will be raised to the next level and so on.

The GRM aims to address all complaints received, regardless of whether they arise from real or perceived issues. Any stakeholder (man or woman) who considers themselves affected by the project activities will have access to this procedure at no cost or threat of any negative repercussions.

The statutory rights of the Complainant to undertake legal proceedings remain unaffected by participation in this process. The structures of the GRM will include women's representatives to allow female stakeholders to more easily make complaints or lodge grievances. The use of representatives is also available to any affected party and may be used in situations where the affected party cannot represent themselves (for example when the affected party is a child or disabled). Representatives can include but are not limited to women, youth, Church or Non-Government Organisation (NGO) representatives as seen as appropriate by the affected party.

## 4 Overview of the GRM Implementation

For all complaints and grievances associated with the project the following mechanisms will be used.

All **complaints** about the project will be dealt with as presented within this VIRIP Grievance Redress Mechanism and should be recorded even if resolved immediately.

All **grievances** will be addressed by the VIRIP Grievance Redress Mechanism and a Grievance Complaint Form completed and forwarded to the PST.

Grievances involving compensation for (non-land) resources will be addressed using existing compensation rates developed by government agencies and currently in use for loss or damage due to infrastructure projects. These processes and compensation rates are set out in the VIRIP RPF.

### Arrangements for Complaints and Grievances

#### Complaints

In practice, **complaints** can be made to anyone involved in VIRIP or perceived to be in authority including Ministers, Members of Parliament, Provincial Authorities, MIPU or VIRIP Officers. Irrespective of the initial receiver of the complaint, the following will happen for Contractor related Complaints:

- All Complaints will be communicated to and registered by the Contractor's nominated representative usually the Contractor's Community Liaison Officer (CLO) in the site daybook immediately upon receipt, including details of the Complainant, attempts to resolve the complaint, the resolution of the complaint and outcome.
- The complaints record or daybook will be made available for inspection by any authorised representatives of MIPU, including the SC.
- The Contractor will inform the MIPU representative or SC within 2 days of all complaints received including those that have been resolved.
- The SC supported by CPO or others may also assist the contractor in resolving a complaint.
- The Contractor will have a maximum of one week to resolve the complaint and convey a decision to the Complainant. The complaint and decisions on its resolution can be heard and agreed at the relevant local nakamal. Once resolved, the resolution should be entered accordingly into the site daybook and the SC informed of the outcome and details included in the next Contractor's report for review and analysis by PST.
- Should the Contractor or the Complainant not be satisfied with the proposed resolution of an issue or any aspect of communication around the issue, the matter will then be passed to the relevant PWD Divisional Manager or Provincial Education Officer as applicable and the PST for resolution.

- If the complaint escalates, that is becomes more serious over time or it appears that the Complainant may have a grievance as defined above or the complaint cannot be resolved through initial intervention and efforts by PST; **it must be recorded as a grievance and the procedure for grievance redress be followed.**
- Regular community representative meetings will be held for all VIRIP sub-project activities. These meetings will include consideration of all aspects of the VIRIP sub-project and include discussions on nuisance, analysis of complaints and confirmation of steps to prevent or reduce nuisance and confirmation that all complaints have been resolved. Inherent causes of complaints that cannot be resolved by changes to work practices or simple on-site solutions require to be referred to the PST for resolution.
- Any other complaints not necessarily relating to the Contractor shall be dealt with in the first instance by the CPO and or PWD Divisional Manager or Provincial Education Officer as applicable and recorded and sent to PST.
- Results of complaints records and meetings across VIRIP subprojects will be reviewed regularly by the PST to identify opportunities to reduce impacts of project activities and reduce complaints.

#### **Grievances**

- **All** grievances must be referred by the SC or Contractor directly to the MIPU or PWD or MOET representative for resolution and details recorded using a Grievance Report Form (refer Annex A).
- When a grievance is reported, it will be referred to the PST SS or Project Manager/Coordinator who will report the incident to the Chairman of the PIC who may delegate this responsibility to a suitable Officer until the grievance is resolved. The GRM process, responsibilities and timeframes is set out in the next section.

#### **Important Notes**

- Concerns, complaints and grievances from affected women, children or other disadvantage groups in the community may be raised by a representative on an AC's behalf and in the same manner as a community complaint or grievance.
- Concerns, complaints and grievances to do with the Contractor's activities within school grounds under VIRIP Part 2 shall be raised by the School Principal and dealt with in the same manner as a community complaint or grievance.
- Should a dispute arise that cannot be resolved and it is serious enough to prevent the project works taking place, then work will stop and the Contractor will be instructed to stop work on that element of the contract until the matter is resolved. This resolution may include handling through legal processes.

#### **Community Consultation**

The Contractor, supported by either PWD, MOET or SC will confirm with project stakeholders (including community representatives) details of the project works taking place. An agreement will

be sought that sets out the controls and measures to be adopted by the Contractor to minimise socio-environmental impacts of the project including but not limited to:

- Hours of work
- Noise
- Air Quality
- Waste management
- Location of construction camps
- Traffic management
- Public Health and Safety

The agreement will also identify and nominate the community representatives who are authorised to speak on behalf of the community members.

Regular meetings will take place between the Contractor, PWD, MOET or SC representative and community representatives. The purpose of these meetings is to review that all minor complaints have been resolved and identify and if possible resolve any ongoing complaints or grievances.

All works under VIRIP are subject to an Environmental and Social Management Plan (ESMP) that has a set of conditions to be met by the Contractor. Any breaches of the ESMP conditions will also be entered into the daybook at the relevant site(s) and the resolution of the breach will be recorded.

The GRM does not deal with grievances relating to internal communication or disputes between the project team, Implementing Agency, other agencies; nor intra/inter-community conflicts that are not project-related.

### **Disclosure**

In order for it to function as intended, the potential complainants must be aware of how to access the GRM. Therefore it is important that the GRM and how it functions are presented to potentially impacted parties. Key details requiring to be disclosed include:

- **How to make complaint**  
This includes the different methods of making a complaint or grievance (face to face, phone, email, through intermediary or representative).
- **Contact details**  
Where to complain to which will include contact details of people responsible for the specific sub-project as well as PST.
- **Responsibilities**  
Who is responsible for recording and resolving a complaint, (includes the responsibility of the complainant to be accurate and specific about their complaint). Timeframes for responding to complainant.

A summary of the GRM, including the information above will be displayed at every VIRIP work site and will also be distributed to communities in Bislama as well as English or French.

## 5 Grievances Procedure

The grievance resolution process includes four key stages – (i) Receive; (ii) Investigate/Enquire; (iii) Respond and Resolve; and (iv) Follow up/Close Out.

The intention is to resolve a complaint as quickly and at as low a level as possible to avoid a minor issue becoming a significant grievance. Unresolved complaints may be treated as grievances only if, in the opinion of the PIC Chairman that they fall within the definition of grievance under VIRIP.

Irrespective of the stage of the process, a Complainant has the opportunity to pursue the grievance through the court as is his or her legal right. A Complainant also has the right of recourse to the World Bank's Grievance Redress Service (GRS) at any time throughout the grievance resolution process.<sup>1</sup>

### Receive

Relevant personnel in each project site (SC and Contractor) will be required to accept formal grievances and ensure avenues for lodging grievances are accessible to the public and affected persons. Avenues will include: face to face with the contractor, government representative or community representative, by telephone or in writing to the above or via email.

The first point of contact for all potential grievances from community members is usually the Contractor or CPO or School Principal. The grievance may be made directly by the aggrieved party or through the local chief or a community women's representative or for matters relating to school operations or on school grounds, the school Principal.

A grievance may also be made by directly to anyone involved in VIRIP or perceived to be in authority including Ministers, Member of Parliament, Provincial Authorities, MIPU or VIRIP Officers however the grievance must be passed to the Contractor for it to be formally recorded and received into the GRM.

Irrespective of the source, the Contractor will record all grievances on the Grievance Report Form (Annex A) and inform the SC immediately passing a copy of the form to the SC. Depending on the circumstance, SC may also fill out the Grievance Report Form with the Contractor. The grievance will be acknowledged within two days to the Complainant confirming that the grievance has been received and is under investigation.

### Investigate / Enquire

The SC will investigate the details of and grounds for the grievance with assistance from the DM or PST if required. Additional support or information may be gathered from any other sources in order to more clearly describe the cause and effects of grievance, its level of urgency or severity and its relationship to VIRIP.

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<sup>1</sup> GRS can be found at <http://pubdocs.worldbank.org/en/223151434995262110/GRS-2015-Brochure-web.pdf>

The SC may require that a community representative (chief or women's representative) supports the grievance in order to assist investigations and confirm details of the grievance.

Investigations may include site visits and meetings to determine: the scale and impact of the grievance and what options there may be for appropriate responses or resolutions.

## **Respond and Resolve**

After investigation, all grievances will be responded to by VIRIP representative directly to the Complainant within one week after the completion of the investigation to discuss and identify potential resolutions. If additional time is needed, the Complainant will be advised of this in advance. Any other representatives that may be required by either the SC, PST or the Complainant to be present in order to provide input to developing an appropriate response or resolution.

The severity of each grievance and subsequent course of action shall be determined by the relevant supervisor (contractor or engineer). If the issue is easily resolvable, (for example a grievance covered under compensation mechanisms under the RPF), the responsible parties should endeavor to address the issue directly on site. If the grievance is a more complex issue, it may require additional meetings and further investigation, and may need to be managed by the PST rather than the SC.

If a grievance is dismissed as groundless or resolved at any stage, the Complainant will be informed of their rights in taking it to the next stage. A copy of the decision is to be given to the Complainant in writing and a further copy sent to next level of authority to inform them of the complaint.

The records shall be kept and filed into the Grievance database managed by the PST. All responsible parties involved in the GRM process are to keep complete records of their activities. These records of the grievance redress mechanism will be monitored by the SC and PST and included in regular project reports.

If an agreement is not reached between the Complainant and the PST, the grievance will be escalated to the PIC for review and a final decision. If necessary, further action will be taken to resolve the issue. If the Complainant is still dissatisfied with the outcome, they may be referred to the legal process or use the RPS which is available at any stage to the Complainant. However courts should be the last avenue for addressing grievances.

## **Follow up/Close Out**

A grievance is **closed out** when no further action can be or needs to be taken. All grievances should be **closed out** within the initial 30 days or as soon as possible thereafter and after all reasonable attempts to resolve the grievance have been attempted.

The response should communicate findings of the investigation and resolution, and seek approval from the Complainant. If the Complainant is satisfied with the outcome then the grievance is closed out and they provide their signature (or fingerprint) on the agreement as confirmation.

Should the Complainant either reject or appeal the outcome then the closure status will be recorded

Closure status will be entered into the Grievance database as follows:

- **Resolved** – resolution has been agreed and implemented and signed documentation is evidence of this.
- **Unresolved** – it has not been possible to reach an agreed resolution and the case has been authorised for close out by the PIC.
- **Abandoned** – cases where the attempts to contact the Complainant have not been successful for two months following receipt of formal grievance.

All grievances will be reviewed for opportunities to help identify and reduce future, similar occurrences across VIRIP subprojects.

**Table: VIRIP Grievance Process** below outlines the timeframes for each stage of the Grievance process.

Timeframe	Stage
Within 1 day	<ul style="list-style-type: none"> <li>• Grievance reported to Contractor through nominated person by Complainant or community representative (School Principal for issues on school property) or if received via PST immediately upon receipt.</li> <li>• Contractor with support of SC prepares <b>Grievance Report Form</b> providing full details of the alleged grievance.</li> </ul>
Within 2 days	<ul style="list-style-type: none"> <li>• SC investigates and confirms details of the grievance and ensures that details are entered onto the <b>Grievance Report Form</b>.</li> <li>• SC confirms subject of the complaint is still relevant and contacts PST.</li> <li>• SC sends <b>Grievance Report Form</b> to PST.</li> <li>• PST logs grievance into the GRM register.</li> </ul>
Within 7 days	<ul style="list-style-type: none"> <li>• PST informs PIC Chairman and confirms who will have delegated authority to resolve grievance.</li> <li>• PIC delegate and PST representative meets with relevant parties, village leaders etc.</li> <li>• Depending on nature or severity of the grievance PIC delegate and PST representative attempt to identify acceptable resolutions.</li> <li>• Confirm resolution with Affected Party (or representative) and seek their approval or confirmation that the grievance is resolved.</li> <li>• Grievance closed out by PST in writing, PIC Chairman informed.</li> </ul>



<b>30 days</b>	<ul style="list-style-type: none"> <li>• If unresolved then Grievance including an update of all actions to date is or referred to PIC for further action.</li> <li>• Database updated by PST.</li> </ul>
<b>As soon as possible thereafter</b>	<ul style="list-style-type: none"> <li>• PIC undertakes further action.</li> <li>• If grievance remains unresolved the grievance can be closed out by PIC on behalf of the project.</li> <li>• Database updated by PST.</li> <li>• Complainant may initiate legal process through courts or through the GRS.</li> </ul>



## **6 Institutional Arrangements**

### **Project Support Team (PST)**

The PST will be responsible for managing the GRM including updating the grievance database to track the progress of formal grievances for the duration of projects. This involves coordinating between key agencies on a regular basis.

The PST PMC is responsible for final oversight of community consultation and grievance management.

The PST SS responsible for initial oversight of community consultation and grievance management and will administer the grievance database.

Nominated PST staff will regularly update the grievance database in consultation with key agencies where Grievance Report Forms have been completed.

All project-related grievances should be captured in the database regardless of the agency they were raised with. For Part 1 sub projects, the PWD Divisions (Community Project Officers) and SC should be involved in the resolution of all project-related grievances that sit within their key functions. CPOs may also shall support other key agencies such as MOET and Provincial Education Officers (PEOs) for Part 2 Schools with adequate resources and staffing as necessary to ensure grievances are effectively resolved.

### **Project Implementation Committee (PIC)**

The PIC membership contains the relevant agency membership for identification and confirmation of options for resolution from a GoV agencies perspective. This includes access to legal advice from the State Law Office.

The PIC Chairman will direct the PST to deal with all grievances in an appropriate manner and if necessary delegate members or others to assist or intervene directly in resolution activities.

### **Community Project Officer (CPO)**

The Community Project Officers are PWD officers based in the provinces. Their responsibilities include community liaison for roading works in the provinces. For all Part 1 sub projects, the CPOs or equivalent, along with PST representatives will identify relevant community stakeholders potentially affected by project works. Because of the CPO role, it is anticipated that many complaints not made directly to contractor may be made via the CPO. The CPO, along with the SC will be responsible for clarifying complaints and verifying that agreed solutions to complaints are agreed to and implemented. CPOs may assist the resolution of complaints and grievances under Parts 2 (Schools) and Part 3 (Public Buildings) if required.

### **Affected Person or Complainant**

The affected person (AP) or Complainant has the responsibility to fairly represent their concern and to do so through a community representative (women, church, youth or other) as well as through customary (Chiefs) or formal channels.

## **Community representatives**

The community representatives have the responsibility to accurately and fairly represent the AP or Complainant's concerns as described to them. The community representatives for each community (either in a geographical location or of a particular interest such as women's or church representative) will be identified in advance as part of awareness raising and disclosure of the GRM and other VIRIP subproject elements to local communities.

## **Contractors**

Contractors will be briefed on the GRM and are expected to follow its requirements as part of the oversight of their subprojects. The Contractor's representative (typically Site Engineer or CLO) will attend community sessions on GRM and safeguards awareness or training run by MIPU representatives.

The Contractor is responsible for logging all complaints and other safeguards non-compliance incidents in the site daybook (or equivalent) for inspection by the SC or MIPU representative. The Contractor is also responsible for ensuring that all minor complaints are dealt with and resolved directly without any undue delays.

## **7 Awareness raising and disclosure of the GRM**

The PST will inform the PWD Divisions, MOET, the relevant provincial government agency representatives Provincial Government Councils, local councils of Chiefs, local Chiefs, communities, project teams, contractors and key agencies on the GRM.

Communities and potentially affected persons will be advised of the GRM in the early stages of engagement on a proposed subproject, and be made aware of:

- The potential impacts of the project and how these impacts are to be minimised;
- How they can access the GRM (i.e. key people and complaint forms);
- Who to speak to and how to make a complaint;
- Who to speak to and how to lodge a grievance;
- The timeframes for each stage of the process;
- The GRM being confidential, responsive and transparent; and
- Alternative avenues of dispute resolution where conflicts of interest exist.

## **8 Conclusion and Application of the GRM**

This GRM is intended to be used throughout the VIRIP. While every effort has been made to ensure that the provisions of this GRM will lead to the equitable resolution of grievances arising from project activities, it is recognised that amendments may be required to the GRM in order for it to work across multiple projects in both roading, schools and public buildings.

It is intended that the GRM be reviewed if or when necessary to ensure that it can deal with a complex range of sub-projects in a manner that is appropriate and suits the social, cultural and legal situation in Vanuatu.

Once this document is publicly disclosed all the arrangements for dealing with complaints and grievances under VIRIP as set out under this GRM will be implemented.

# A. Grievance Report Form

## GRIEVANCE REPORT FORM

Received by: \_\_\_\_\_

Date Received: \_\_\_\_\_

Reported by: \_\_\_\_\_

Database ID: \_\_\_\_\_

Responsible Agency: \_\_\_\_\_

Staff Name: \_\_\_\_\_

Location: \_\_\_\_\_

	Village	First Name, Last Name/ Prefers to be anonymous	Contact Details
Complainant(s) Or Representative			
Chief			

Acknowledged by: \_\_\_\_\_

Date Acknowledged: \_\_\_\_\_

**Description of Concern:**

.....

**Category:**

Compensation / Land Access / Inadequate Notification/ Disruption to Business or Property / Property Damage / Irrigation / Boundary Dispute / Environmental Damage / Construction Activities / Safety Risk /Traffic / Other

**Proposed Resolution or Feedback:**

.....

Complainant satisfied with process? Yes  No  Why not?.....

Complainant satisfied with outcome? Yes  No  Why not? .....

Print Name (Complainant): \_\_\_\_\_

Signed (Complainant): \_\_\_\_\_

Date: \_\_\_\_\_

Signed (Recipient): \_\_\_\_\_

Date: \_\_\_\_\_

Copied to: \_\_\_\_\_