

2 April, 2018

The Tokyo Organising Committee of the Olympic and Paralympic Games

**Regarding the establishment and operation of Advisory Panel  
in the Grievance Mechanism for the Tokyo 2020 Sustainable Sourcing Code**

This is to show the procedure, operations and other matters necessary regarding advice etc. provided by an external Advisory Panel (hereinafter, "Advisory Panel"), which comprises expert(s) in relevant fields in accordance with Article 4.2 of the "Grievance Mechanism for the Sustainable Sourcing Code Operational Standards" (effective and published on 2 April 2018; hereinafter, "Operational Standards") to enhance neutrality and fairness in processing reports, when the Tokyo Organising Committee of the Olympic and Paralympic Games (hereinafter, "Tokyo 2020") operates the Grievance Mechanism based on the Tokyo 2020 Sustainable Sourcing Code (formulated and published on 24 March 2017; hereinafter, "Sourcing Code").

**1 – Establishment of Advisory Panel**

- 1 Based on Article 9 (3) of the Operational Standards, an Advisory Panel shall be convened without delay once the procedure for responding to a report has commenced, except in a case where Tokyo 2020 decides not to further proceed with the process on a report based on Article 9 (2), (9) or other provisions of the Operational Standards, and other cases where an Advisory Panel is deemed unnecessary to establish.
- 2 An Advisory Panel shall be convened for each report where it has been decided to proceed with the process.
- 3 An Advisory Panel shall be dissolved once the process on a report is completed, or in a case where Tokyo 2020 decides not to further proceed, based on Article 9 (9) of the Operational Standards.

**2 – Matters under the Jurisdiction of Advisory Panel**

An Advisory Panel shall handle matters (hereinafter, "advice etc.") as listed in each of the following items, in response to a request from Tokyo 2020, regarding a report where it has been decided to proceed with the process.

- 1) To provide advice to the parties concerned or Tokyo 2020, to support the parties in smoothly reaching mutual agreement through dialogue.
- 2) To reply in response to a consultation from Tokyo 2020, in the event that Tokyo 2020 determines a resolution on a report in accordance with Article 9 (7) of the Operational Standards.

- 3) In addition to the preceding two items, to provide advice necessary regarding the process of a report to Tokyo 2020.

### **3 – Composition of the Advisory Panel**

- 1 The Advisory Panel shall comprise at least one member who is selected from the candidates. At least one member of the Advisory Panel must be a practicing lawyer.
- 2 Any person to whom either of the following categories is applicable shall not be eligible to serve as an Advisory Panel member. If either of the following categories becomes applicable to an Advisory Panel member after selection, or if such applicability comes to light, the member shall be dismissed from the Advisory Panel.
  - 1) A person who has a special interest in the party concerned on the report or other related party.
  - 2) A person who is likely to harm the fairness or neutrality of the process or the resolution for the report.
- 3 Tokyo 2020 shall select the Advisory Panel member(s) (including the number of members) considering the content and nature of the report, and upon confirmation that item 1 and 2 of the preceding paragraph are not applicable to such members. Tokyo 2020 shall also take into full account the views of the Sustainable Sourcing Working Group beforehand, and if it is deemed that dialogue between the parties concerned is expected, shall listen to, and strive to respect, requests from the parties concerned regarding the selection of the Advisory Panel member(s).
- 4 Advisory Panel members may be added or replaced depending on the procedural circumstances of the report. With regard to any such additions or replacements, the provisions of the preceding paragraph shall be applied.
- 5 In the case where the Advisory Panel comprises two or more members, a panel chair shall be appointed by the mutual election of panel members.
- 6 The term of appointment of Advisory Panel members shall be from the day of the establishment of the Advisory Panel through to the dissolution of the Advisory Panel.
- 7 In the case where an Advisory Panel member loses his/her status as a member candidate during the term of appointment, the member shall be dismissed from the Advisory Panel. In such case, consideration shall be made to the necessity of appointing a substitute member, and the provisions of paragraph 3 shall be applied to the appointment of a substitute member.
- 8 During their term of appointment, the identity of Advisory Panel members shall only be disclosed within a limited extent such as to the parties concerned. The identity of members will be publicly disclosed once the term of appointment is completed.

#### **4 – Candidates for Advisory Panel Membership**

- 1 Tokyo 2020 shall select and entrust at least four Advisory Panel member candidates who have expertise and experience in law, human rights issues, labour issues, environment and development issues, conflict resolution, supply chain management or other sustainability-related fields, and at least two such candidates shall be practicing lawyers. In addition, consideration shall be given to the balance of the fields of each candidate to be selected, and the views of the Sustainable Sourcing Working Group shall be sought beforehand.
- 2 Any person to whom any of the following categories are applicable shall not be eligible to serve as an Advisory Panel member candidate. If any of the following categories becomes applicable to an Advisory Panel member candidate after entrustment of duties, or if such applicability comes to light, such candidate shall be released from the entrustment.
  - 1) A person who has been sentenced to imprisonment or severer punishment and for whom five years has not passed since either completion or suspension of the sentence.
  - 2) A person who has been sentenced to a fine in violation of the provisions of relevant laws and regulations related to sustainability such as human rights, labour, environment as well as conflict resolution and for whom five years has not passed since either completion or suspension of the sentence.
  - 3) A person who, on or after the day of enactment of the Constitution of Japan, has formed or become a member of a political party or any other organization which advocates the overthrow by force of the Constitution of Japan or the government existing under the Constitution.
- 3 In principle, the term of appointment of an Advisory Panel member candidate shall be one year. Candidates shall be eligible for re-appointment after this period.
- 4 The official register containing the names of Advisory Panel member candidates shall be made publicly available.

#### **5 – Advisory Panel Meetings**

- 1 Tokyo 2020 shall convene meetings of the Advisory Panel.
- 2 The chair of the Advisory Panel shall conduct the proceedings of Advisory Panel meetings. (In the case where the Advisory Panel comprises only one member, the member shall have the same functions and responsibilities as the chair; hereinafter, the same shall apply.)
- 3 Advisory Panel meetings shall not be held unless all members are present. However, in the case where a panel member (not including the chair of the panel) is absent due to an avoidable circumstance, the chair of the Advisory Panel may deem it possible for the meeting to be held. A substitute or representative of the absent member shall not be permitted. Meanwhile, the absent member may take part in the meeting of the Advisory Panel meetings through use of a teleconference system etc.

- 4 When deemed necessary, the chair of the Advisory Panel may call to the meeting a person with specialist knowledge on the facts, legislation, or social conditions related to the report, in order to listen to relevant opinions.
- 5 When deemed appropriate, the chair of the Advisory Panel may call another Advisory Panel member candidate to the meeting in the capacity of observer, to listen to relevant opinions if necessary.
- 6 The provisions of Article 3.2 shall be applied to persons attending Advisory Panel meetings in accordance with the preceding two paragraphs.
- 7 General administration, liaison and coordination activities related to the Advisory Panel shall be undertaken by the Sustainability Department, Administration Bureau of Tokyo 2020, or by a third party entrusted by Tokyo 2020.

## **6 – Consideration of Advice etc. and Resolutions**

- 1 When providing advice etc., the Advisory Panel shall conduct necessary consideration based on specialist knowledge (including conducting necessary discussions in the case where the panel comprises two or more members), taking into account the facts related to the report, the current status of the process, the intention of the parties concerned, legal regulations, and the social conditions regarding that field or similar matters.
- 2 To enable the Advisory Panel to proffer advice etc., the Advisory Panel may, if necessary, request Tokyo 2020 to conduct an enquiry into the facts and to provide information.
- 3 The advice etc. to be proffered shall be determined by passing a resolution.
- 4 With regard to the resolution specified in the preceding paragraph, in principle, unanimous agreement shall be reached by all Advisory Panel members. If this is not possible a majority resolution will be permitted, and in the case of a tied vote, the chair of the Advisory Panel shall decide.
- 5 A panel member unable to attend a meeting as specified in Article 5.3 may express an opinion with regard to paragraph 1 and 2 above in writing, or may take part in the resolution specified in paragraph 3 above in writing.

## **7 – Obligations of Advisory Panel Members**

- 1 In the consideration and passing of a resolution as specified in Article 6, Advisory Panel members shall comprehend the principles of sustainability, the Sourcing Code, the Operational Standards and the concept of this Guideline, and shall fully recognise his/her obligations to fulfil all responsibilities as an individual maintaining a fair and neutral stance at all times, regardless of any organisation to which he/she is affiliated, and shall act toward a smooth, swift, appropriate and effective resolution of the report.
- 2 Advisory Panel members shall maintain the confidentiality of any and all confidential information to which he/she is privy during and after his/her term of appointment. (Confidential information shall include but not be limited to the content of documents

submitted to the Advisory Panel, the content of Advisory Panel discussions, and the opinions of each Advisory Panel member. All information made publicly available by Tokyo 2020 shall not constitute confidential information).

- 3 During their term of appointment, Advisory Panel members shall not make it publicly known that they are serving panel members.
- 4 The provisions set forth in paragraphs 2 and 3 above shall also apply to persons attending Advisory Panel meetings as stipulated in Article 5.4 and 5.5.

## **8 – Public Availability of Content of Advisory Panel Meetings**

In principle, the content of Advisory Panel meetings (including all related documents) shall not be made publicly available. However, such content may be made publicly available in accordance with the stipulations set forth in Article 11 of the Operational Standards.

## **9 – Remuneration and Incurred Expenses**

- 1 Advisory Panel members and candidates shall not receive any remuneration.
- 2 Expenses incurred by Advisory Panel members in the course of their duties shall be subject to the prior approval of Tokyo 2020, which shall reimburse all approved expenses. In principle, the regulations for the amount and method of payment to Tokyo 2020 staff shall be applied to the reimbursement of Advisory Panel members.