



HOW TO SUPPORT YOUR COMPANY TO...

Establish and manage a worker grievance mechanism for sexual harassment

IN PARTNERSHIP WITH



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Photo:

Helina works in a construction firm in Addis Ababa, with opportunity to earn higher returns.

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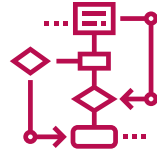
4-step process for establishing and managing a worker grievance mechanism for **sexual harassment**

1

PLANNING



Consult with workers



Decide on best model

4

MONITORING



Measure attitudes and practices



Measure effectiveness



Consider business benefits

The International Labour Organization defines **sexual harassment** as sex-based behavior that is **unwelcome** and **offensive** to its recipient. For sexual harassment to exist these two conditions must be present.

Sexual harassment may take two forms:

***Quid pro quo* sexual harassment**

When submission to sexual advances or requests for sexual favors are made a condition of employment or used as the basis for employment decisions, including decisions related to recruitment or promotion.

Intimidating, hostile, or offensive sexual harassment

When sexual conduct or other actions interfere with a person's work and/or create an intimidating or offensive work environment.

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**CREATING
CONTENT**



Write protocols



Offer support
services



Manage
information

3

IMPLEMENTING



Build worker
knowledge



Build key staff
capabilities

1 PLANNING



Consult with workers

Through consultations with workers, your company can identify specific risks and at-risk groups, as well as the most suitable reporting channels and practices.

Possible questions to ask workers during early consultations:

- What types of harassment might occur in this workplace?
- When and where is harassment in our workplace likely to happen?
- What groups of people are more likely to experience harassment in our workplace?
- Are there any job tasks that place workers at particular risk of being harassed?
- If you saw an incident of harassment, how would you want to report this?
- If you experienced an incident of harassment, how would you want to report this?
- What might prevent you from reporting an incident?
- What might encourage you to report an incident?
- What communication channels would make it easy to report an incident?
- What kind of support might somebody who has been affected by sexual harassment at work need?

It is safer if your company engages external expertise to run any surveys or group discussions that ask these kinds of questions.

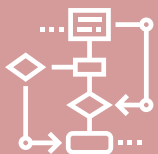


Workers who tend to have less power and ability to speak out (e.g., LGBTQI persons, disabled persons, workers with no literacy, young female workers) may be more at risk. Has your company included these workers in their consultations?



Workers should not be asked to disclose personal experiences during the consultations. Some workers, however, may choose to share information. Before commencing the consultations, your company should ensure they have arranged for support for any worker who does so, and provide all workers with the relevant contact details.

While confidentiality can never be completely guaranteed in a group discussion, workers should at a minimum be asked to respect the confidentiality of any information shared during the discussion.



Decide on best model

Based on the consultations, your company will need to decide what model of worker grievance mechanism is going to be the most suitable. Some common approaches are outlined in this section.

For each model, the focal point for receiving grievances will have different characteristics:

Model 1: Internal grievance mechanism

The focal point could be a single person or a committee. The composition of a committee should factor in the demographics of the workforce, so there is adequate representation.

Model 2: Externally supported grievance mechanism

The external focal point could be a local individual or organization with knowledge of good practice for managing sexual harassment in workplaces.

Model 3: External grievance mechanism

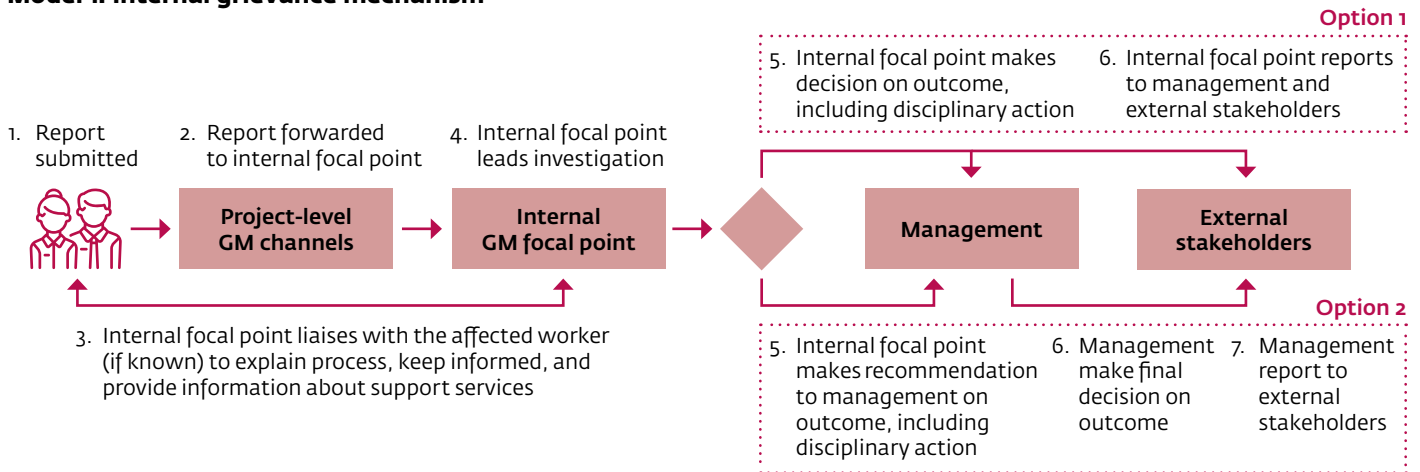
The external focal point should be a national or international organization that has experience managing sexual harassment complaints in the workplace.



Whatever the model, your company should ensure workers can report incidents in different ways – in person, in writing, online, complaint boxes etc. Does your company provide at least one anonymous reporting channel?

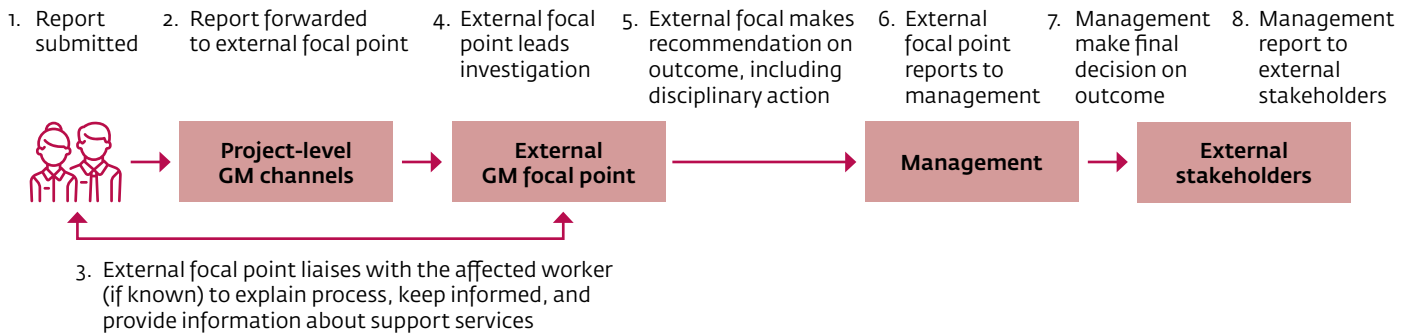
Decide on best model (continued)

Model 1: Internal grievance mechanism



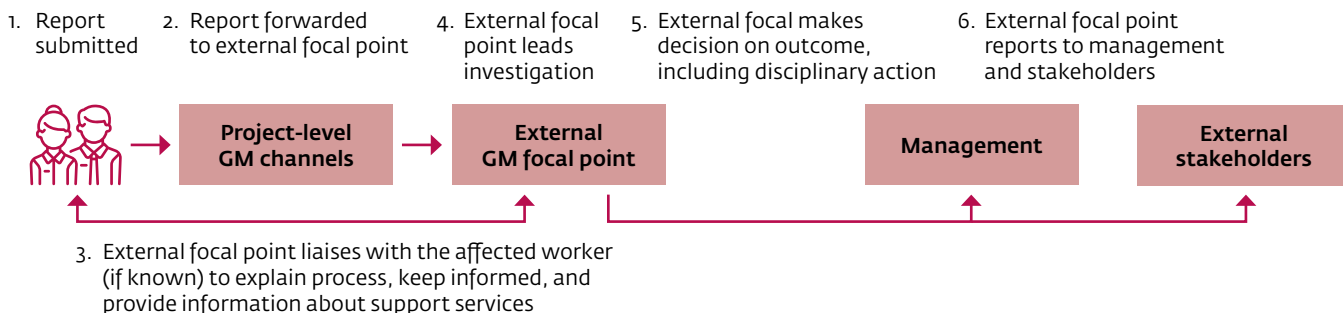
For this model to function properly, your company will need to be sure they can provide the focal point with all the training they need to manage reports safely and ethically.

Model 2: Externally supported grievance mechanism



With this model, your company will need to be able to monitor the quality of the services provided by the external partner.

Model 3: External grievance mechanism



2

CREATING CONTENT



Write protocols

Your company should document the full protocols for implementing their worker grievance mechanism. This will make the entire process transparent to workers. It will also help ensure a consistent response to all reports.

There are some key topics to cover in a workers' grievance mechanism for managing sexual harassment:

- Availability and how to access reporting channels.
- What happens immediately after a report is made.
- Who is responsible for managing what aspects of the process.
- Who in the business has access to information about the report, including the level of detail.
- Choices workers have about the kind of process they can request – informal, formal, and/or external.
- The range of support services affected workers can access.
- Timelines for responding to reports and completing investigations.
- How decisions are made and reported, and how they can be appealed.



Offer support services

Your company should make their best efforts to ensure affected workers can access some level of support. The specific services they will be able to offer will depend on what is available locally or remotely.

Your company should consider if they are able to make the following support services available to workers who report experiencing sexual harassment:

- Short-term counseling.
- Long-term counseling and/or support groups.
- Financial assistance, if their earning capacity has been impacted.
- Immediate medical services, if there is physical harm.
- Additional days leave.
- Legal assistance, if they wish to pursue the matter through the courts.
- Job or work task reassignment.



If there are limited services in the local area, what could your company do to help build capacity? Are there any internal staff (e.g., clinic, Human Resources, welfare team) who could be trained up? Or, are there any local organizations (e.g., legal center, women's support group, workers' rights organization) that could be supported to build staff capacity? If required services cannot be identified or developed, your company may also consider exploring options for remote service delivery (e.g., telehealth, phone/internet counseling).



Making Human Resources personnel or others responsible for counseling affected workers is inappropriate. While internal staff may be trained to provide effective short-term psychological first aid to affected workers, they should not be expected to deliver professional and ongoing counseling services.



Manage information

It is important your company decides how they intend to manage information about reports. As much as possible, they should limit the number of people who have access to this information. And people should only know what they need to know to carry out their responsibilities.

To help manage information, your company could consider the following:

- An information flowchart showing what information can be shared, how, and between which people.
- Restricted channels for communicating about a report – dedicated meetings instead of via email, for example.
- Templates for recording information about a report – initial report intake, investigation questions and answers, management and stakeholder quarterly updates etc.
- A consent form for affected workers to sign to indicate exactly who they want to have access to information about their report. Note that this consent form is different to a non-disclosure agreement.
- A code system for managing information that has been written down, to avoid using personal names on forms.
- A security protocol to reduce the risk of others accessing information – locked cabinets, password protected files etc.



Information-sharing should happen only on a need-to-know basis. This means, for example, that a person who is not providing direct support services to a worker does not really need to know full details of what happened, to whom, or what the impacts were. Is your company sharing too much information among management or with stakeholders?



Your company may use non disclosure agreements (NDAs) to ensure details of a sexual harassment investigation and/or settlement do not become public. The concern about silencing workers affected by sexual harassment through NDAs is that patterns of unlawful behavior may continue unchecked and unscrutinized. Does your company use NDAs to prevent workers from speaking out about cases of sexual harassment?



Breaching of confidentiality is a serious issue. If information is not carefully managed according to a safe and well-designed information management protocol, it is likely the names of workers involved in a sexual harassment grievance will quickly become common knowledge within a company. Any breach of confidentiality risks the safety of the complainant and/or the alleged harasser. A breach may also jeopardize an investigation into the incident by prejudicing witnesses, and may result in significant legal and financial liability for the company.

3

IMPLEMENTING



Build worker knowledge

Your company should consider the best ways to inform workers about the grievance mechanism. As with all efforts to raise awareness or deliver training, short sessions covering pieces of information delivered regularly tend to be more effective than a single in-depth session.

Worker knowledge about the grievance mechanism should cover:

- What behaviors are considered to be sexual harassment and therefore unacceptable.
- How to report, including anonymously if they prefer.
- What they can expect to happen after a report has been made.
- How any information they provide will be handled, shared, and stored.
- How the company proposes to guarantee confidentiality and non-retaliation.
- What support services workers will be able to access after reporting.

You may find that your company considers they have delivered adequate information about the workers' grievance mechanism because they introduce it to new workers during onboarding. Try to encourage them to consider additional and ongoing opportunities for discussing both the grievance mechanism and the range of behaviors it covers. Awareness and recall of key messages can be greatly enhanced by reinforcement using a variety of communication channels. Possible channels include:

- Toolbox talks.
- Team meetings.
- Employee induction training.
- Code of Conduct training.
- Dedicated training on grievance mechanism.
- Video on company intranet.
- Print materials located around the worksite (e.g., posters, pamphlets, ideograms).
- Company newsletter, intranet, and/or website.



While it may be quicker and easier to try to deliver information about the grievance mechanism to all workers in the same way, this may not be the most effective way of guaranteeing that all workers actually receive the information. When looking at the materials your company uses to build knowledge, are you satisfied they have considered the diverse learning needs of their workers – different work locations, languages, literacy levels, cultural sensitivities, gender identities etc.?



Build key staff capacities

The more your company seeks to manage reports of sexual harassment internally, the more they need to ensure relevant staff are able to access specialized training.

For staff who are identified as people to whom a worker should first report an incident, the following topics should be covered in training:

1. Basic GBV knowledge and core concepts.
2. Basic psychological first aid techniques.
3. Detailed knowledge of how information sharing and the grievance mechanism works.
4. Contact details for available support services.

For staff who are responsible for investigating reports, the following additional topics should be covered in training:

1. Interview protocols and techniques.
2. Informational management protocols.
3. The legal framework for sexual harassment (including employer responsibilities).

For staff who are identified as being able to provide more long-term support for a worker who has experienced sexual harassment, the following additional topics should be covered in training:

1. Advanced GBV knowledge and core concepts.
2. Advanced psychological first aid techniques.
3. Survivor-centered communication skills and techniques.
4. Case management protocols.

For staff who are responsible for making decisions after reports have been investigated, the following additional topics should be covered in training:

1. Forms of redress, including disciplinary action protocols.



It is important you ensure your company does not skip over or rush this work. Gaps in capacities are likely to lead to errors in handling reports, and therefore the risk of further harm to workers affected by sexual harassment.

Whenever there are changes in staff, your company will need to ensure new staff receive training so they can fulfil their roles and responsibilities in the grievance mechanism process. Communication materials and documents may also need to be updated to include contact details for these new staff.

4

MONITORING



Measure attitudes and practices

Your company should ensure key staff are applying the knowledge and skills they have learned in training, and are fulfilling their assigned responsibilities for managing reports. Their awareness-raising and training efforts should also result in improved attitudes and practices among workers.

Workers' attitudes and practices can be monitored using post-training assessments and surveys. Your company can check for improvements in:

- Understanding of specific behaviors that constitute sexual harassment.
- Willingness to respond to those behaviors when they occur – call out, challenge, report etc.
- Trust level in the grievance process among workers.

For key staff identified in the grievance mechanism, your company should check they are completing the following tasks safely and ethically:

- Documenting, sharing, and storing information about incidents.
- Interviewing workers who make reports, alleged perpetrators, and witnesses to incidents.
- Providing support to workers who have experienced sexual harassment, including initial response when the worker first reports



Your company could collect some baseline data on workers' attitudes and practices during the initial consultations, and use this data to help measure improvements after they have introduced their grievance mechanism.



Measure effectiveness

The aim of the worker grievance mechanism is to ensure incidents are managed safely and ethically. Regular monitoring will help your company identify any concerns and opportunities for improvement. Responses should be disaggregated by gender, at a minimum.

When measuring effectiveness, your company should consider the following:

- How easy it is to report an incident for different worker groups, including gender.
- The level of use of the different reporting channels, and any potential barriers for specific groups of workers, including women, to access these.
- Worker's level of trust in the grievance mechanism.
- Success in maintaining confidentiality.
- Quality of support services.
- Satisfaction with how interviews were conducted.
- Satisfaction with how information was shared.
- Satisfaction with decisions made.



Ideally, your company should make an attempt to identify whether there are any groups of workers who may be more vulnerable to sexual harassment (e.g., e.g., LGBTQI persons, disabled persons, workers with no literacy, young female workers, low caste workers). Responses should ideally be disaggregated by these groups so your company can assess how well the grievance mechanism is performing for each group. Does your company capture disaggregated responses about the effectiveness of their grievance mechanism?



Consider business benefits

Making it easier for workers to report incidents of sexual harassment is about making the workplace safer. In turn, a safer workplace can result in business benefits. You should encourage your company to consider introducing a method for measuring these.

Business benefits of a workplace where sexual harassment is not tolerated include:

- Reduced absenteeism.
- Reduced turnover.
- Increased productivity.
- Better team work.
- Increased willingness of workers to contribute above and beyond their assigned responsibilities.
- Improved business reputation among stakeholders, donors, and lenders.

Measuring these kinds of business benefits requires your company start collecting more data relating to number of days leave taken by employees, cost of training new recruits, production rates, among other types. Disaggregated data will allow for better comparisons to be made between teams, genders, levels of employment etc.

For further resources, including guidance on *Addressing Gender-Based Violence and Harassment: Emerging Good Practice for the Private Sector*, please visit www.ifc.org/addressinggbvh