**Sexual Harassment and gender based violence**

# Practical example: Main points of a sexual harassment procedure

### Introduction

Any employee who believes s/he has suffered or is suffering sexual harassment has the right to raise it through the following procedure

If the victim does not want to make a formal complaint, the employer still has an obligation to consider whether the event should be investigated

### Appointing ‘persons of confidence’

The union and the employer should appoint several persons of confidence designated to deal with complaints of sexual harassment. These should be of both sexes and appropriately trained.

### Keeping a log book – respect confidentiality

The union and/or the employer should keep a book in which to note down complaints. This should be kept in a locked drawer

At all times both the victim and the alleged harasser have a right to absolute confidentiality.

### Draw up a list of behaviour that constitutes sexual harassment

#### Physical

* Touching, pinching, stroking, squeezing, or brushing against someone
* Unnecessary physical contact and touching
* Physical assault

#### Verbal

* Making sexual comments or innuendos
* Making insults based on a person’s sex or rating their sexuality
* Requests for sexual favours, often related to promotion

#### Non-verbal

* Whistling

#### Dealing with the complaint informally

There may be occasions when the victim feels able, and prefers, to deal with the complaint informally However, s/he should not be persuaded against her/his will not to make a formal complaint.

Employees who have been harassed can decide to resolve it informally by

* Approaching the alleged harasser, with the support of a person of confidence, colleague or trade union representative, saying that the behaviour is offensive, unwelcome and should be stopped
* Asking one of the designated persons of confidence to approach the alleged harasser on his/her behalf
* The employee may decide not to approach the harasser, but simply to log the complaint with one of the designated persons of confidence, to ensure that any refusal to comply with sexual requests does not later affect job prospects
* The informal complaint should be noted in the log book
* The alleged harasser should be informed of the complaint made against him/her and given the opportunity to amend his/her behaviour
* Any logged complaints should trigger either informal or formal proceedings.

#### Dealing with complaints formally

Employees should approach one of the persons of confidence to make a complaint, and the date of this complaint should be logged

The harassed person

* A person of confidence should invite the employee to a meeting. If required the employee may be accompanied by a trade union representative/shop steward or colleague
* The detailed complaint should be set out in writing in the log book
* At the meeting, the victim should be told that the complaint will be investigated and witnesses questioned, and that the alleged harassed person has a right to a fair hearing
* If the alleged action is serious, then it may be necessary to relocate or temporarily suspend the alleged harasser
* This investigation is part of the official company grievance procedure.

The alleged harasser

* The alleged harasser, who may be accompanied by a trade union representative/shop steward or colleague, meets with the person of confidence, is informed about the complaint, and given a chance to answer the allegation
* The harasser is told that the matter will be dealt with formally, that his/her responses are also logged, and that this investigation is part of the official grievance procedure

Investigating the complaint

* Establish clear terms of reference for those who investigate the complaint. The designated persons of confidence should investigate the complaint impartially
* The person(s) investigating the claim will meet with any known witnesses or anyone else to establish the facts. Witnesses will be interviewed in private, not in the presence of either the alleged victim or alleged harasser

All information should be kept confidential, but records of meetings must be kept

The employer should be informed of the decision.

Communicating a decision to the complainant

* The person who made the complaint, who may be accompanied by their trade union representative/shop steward, will be told the outcome of the investigation in a face-to-face meeting by the person of confidence, and it will also be written down.

Communicating a decision to the alleged harasser

The alleged harasser will be told the result of the investigation in a face-to-face meeting with the person of confidence, and it will also be written down

The alleged harasser may be accompanied by their trade union representative/shop steward.

Where the investigation decides there was sexual harassment

The victim

* The employer should take all steps to reassure the victim and protect him/her from further potential harassment or victimisation whilst offering support and counselling.

The harasser

* Disciplinary action will be taken, such as redeployment at work, or if the case is more severe, sacking.

Where the investigation decides there was no harassment

* The alleged victim may appeal, but may also ask to be redeployed at work.