



COMPLAINTS PROCEDURES

Your organisation's complaints procedure needs to be laid out in detail. A step-by-step approach is best. This is important for employees as well as managers so that there is no confusion about what is involved.

All employees have the right to report if they have been sexually harassed at work, or if they have witnessed someone else being sexually harassed at work. All reports will be taken seriously and will be dealt with sensitively and in a consistent and fair manner, respecting the rights of all parties involved. In some circumstances, it may be necessary to bring in external assistance or expertise to ensure a fair, impartial and objective investigation.

Sexual harassment can be reported using either the informal or formal procedures outlined in this policy. A disclosure about sexual harassment can be made anonymously using a whistleblowing mechanism [if this exists], however, a proper investigation will require the identities of all parties to be known.

WHO CAN MAKE A SEXUAL HARASSMENT COMPLAINT?

All employees have a right to make a complaint if they or someone else is being sexually harassed at work.

Sexual harassment can be reported by:

- a. The person who has been sexually harassed
- b. A witness to sexual harassment.

You are not obliged to confront the person you are accusing of harassment. Only confront the person you are accusing if you feel able to and if they do not pose a risk to your own or anyone else's physical safety.

If you have witnessed or are concerned that another employee is being sexually harassed, encourage them to report the case themselves either formally or informally.

WHAT IS A FORMAL COMPLAINT?

A formal complaint is made either when an informal complaint has failed to stop sexual harassment, or when the person being harassed wants serious steps to be taken against their harasser. All evidence is kept on record confidentially and the case will appear on the harasser's employment records if the claim is true. A formal complaint tends to involve a proper internal investigation by more than one person.

A formal complaint can be verbal or written, and is to be made to a 'person with responsibility' including:

- Immediate manager
- Another manager in your organisation
- Human resources
- Health and safety officer
- Trade union representative
- Occupational health services.



A formal complaint can lead to serious consequences for the person accused of sexual harassment depending on the severity of the harassment.

PROCEDURES FOR A FORMAL COMPLAINT

Step 1 – Informal sexual harassment complaint made

- A verbal or written informal complaint is made about sexual harassment experienced at the organisation.
- The complaint is made to a person with responsibility in the organisation (defined above).
- Whoever receives the complaint informs PERSON X, who is the designated person for sexual harassment cases at the organisation.

Step 2 – Formal complaint received

- If the complaint made is about sexual assault, then PERSON X will report the case directly to the police
- PERSON X contacts or calls a meeting with the person making the complaint and:
 - If the complaint was verbal, PERSON X will make a written note of the complaint and share a copy with the person making the complaint
 - Informs them of their rights, the process going forward and answers any questions
 - Explains about confidentiality and what it means for them and the person they are accusing
 - Explains what the potential professional and legal consequences will be for the person they are accusing, if a case is found
 - Explains what support is available to them and ascertains what support they might want or need
 - Puts the above in writing.
- PERSON X contacts or calls a meeting with the person accused of sexual harassment and:
 - Informs them about the case against them
 - Informs them of their rights (including their right to respond) and the process going forward and answers any questions
 - Explains about confidentiality and what it means for them and the person who is accusing them
 - Explains what the potential professional and legal consequences will be for them, if a case is found
 - Explains the organisation's policy on retaliation or victimisation of anyone making a sexual harassment complaint
 - Puts the above in writing.
- A sexual harassment case file is opened.
- A small number of senior management are informed about the case (*defining who these people are is important*).



- Interviews are conducted with:
 - The person being sexually harassed
 - The person being accused of sexual harassment (satisfying their right to reply)
 - Any witnesses or third parties.
- Two people, including PERSON X, will represent the organisation in any meeting or interview.
- Formal written statements are taken from
 - The person being sexually harassed
 - The person being accused of sexual harassment (satisfying their right to reply)
 - Any witnesses or third parties.
- The facts of the case are compiled, including diaries and evidence collated by the person being sexually harassed and any counter evidence from the person being accused.
- A confidential record is kept of all information relating to the case, including all discussions and communication with all parties.
- Confidentiality of all parties is safeguarded.

Step 4 – Decision

- The organisation decides whether or not sexual harassment has happened, based on the facts and evidence compiled.
- The organisation decides on what disciplinary measures are to be taken if any.
- A legal basis for the decision will be specified
- The organisation will assess the need for legal support
- Both parties are given the opportunity to appeal within X days
- If no case is found, all documents relating to the case will be destroyed. However, an internal record that an investigation was carried out will be kept.

Step 5 – Feedback

- Feedback is given to the parties involved in the case while ensuring that confidentiality is safeguarded.
- Both parties are given the opportunity to appeal within X days
- If no case is found, all documents relating to the case will be destroyed. However, an internal record that an investigation was carried out will be kept.
- If a case is found, the organisation will produce a report detailing the investigations, findings, outcomes, and disciplinary measures taken.
- The organisation will detail an appropriate plan for follow-up and support, regardless of whether a case was found or not.

Step 6 – Follow-up & support

- PERSON X will systematically follow-up with both parties to ensure that the sexual harassment has stopped and that both parties are not being adversely affected in the aftermath.
- PERSON X will also conduct follow-up meetings with line managers.
- PERSON X will continue to assess the need for support.