



## 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 AN INFORMAL COMPLAINT?

An informal complaint tends to be made in less severe cases of sexual harassment, or when the harasser is likely to stop their behaviour if confronted. It often involves a facilitated dialogue between the person being sexually harassed and the harasser. The aim is to stop the unwanted and offensive behaviour.

An informal complaint does not usually involve a proper investigation. In less severe cases, an informal complaints process can resolve problems with minimum stress to the individuals involved and can restore a sexual harassment-free working environment. As long as the behaviour stops, the informal complaint will not go on the harasser's employment record.

An informal 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.

An informal complaint does not involve any disciplinary measures.

## PROCEDURES FOR AN INFORMAL 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 – Informal complaint received

- 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
  - Discusses the various methods for coming to a resolution as part of the informal process
  - Explains the potential resolutions in an informal process
  - Explains what support is available to them and ascertains what support they might want or need
  - Explains that if they are not satisfied with the outcome of the informal complaint then they may make a formal complaint
  - 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
  - Discusses the various methods for coming to a resolution as part of the informal process
  - Explains the potential resolutions in an informal process
  - Explains the organisation's policy on retaliation or victimisation of anyone making a sexual harassment complaint
  - Puts the above in writing.



- A small number of senior management are informed about the case (*defining who these people are is important*).

### Step 3 – Resolution

- The person accused of sexual harassment is given 1 week to respond in writing with their version of events.
- A method for coming to a resolution is agreed upon with both parties including:
  - Facilitation
  - Conciliation
  - Mediation
  - Arbitration
- A resolution is agreed on. Resolutions will depend on the case but could include:
  - The promise to end sexually harassing behaviour
  - A formal apology from the harasser
  - Transfers between teams
  - Training and sensitisation for the harasser.
  - Confidentiality of all parties is safeguarded.
  - An informal complaint does **NOT** involve any disciplinary measures.

### Step 4 – 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 conduct follow-up meetings with the line managers of parties involved in the complaint.
- PERSON X will continue to assess the need for support
- If the person being harassed is not satisfied with the outcome of the informal complaints procedure, they can make a formal complaint.