

# Guidance Note 2: Grievance Mechanisms

This guidance note is intended to support the design of effective grievance mechanisms in response to gender-based violence and harassment (GBVH) in the world of work. A grievance mechanism is a predictable and structured way to address and resolve complaints.



As there are significant resources on developing grievance mechanisms for other issues, this note focuses on ensuring that mechanisms are sensitive and responsive to GBVH, including sexual harassment. It is critical that a grievance mechanism for GBVH complaints is designed with the potentially sensitive nature of complaints, particularly where sexual assault has occurred, at its centre – these mechanisms need to acknowledge the barriers to reporting, particularly based on gender, due to cultural and social norms.

Based on the **United Nations Guiding Principles (UNGP)** on Business and Human Rights, which provides an overview of good operational grievance mechanisms and its **accompanying guidance on the gender lens to the UNGP**, which is necessary in handling sensitive grievances related to GBVH, workplace-based grievance mechanisms should abide by the following principles in order to be considered effective:

- **Legitimate:** There are clear, independent, and transparent complaints channels ensuring that all cases are handled fairly and without interference. To ensure that grievance mechanisms are perceived as legitimate, its design, revision, and monitoring should be done in consultation both internally and externally. Internally, consultation should be conducted with workers and their representatives as well as any groups of employees that are disproportionately at risk of experiencing GBVH on the basis of their gender, sexual orientation, age, ethnicity, migrant status, ability or other statuses. External stakeholders such as non-profit organizations, women's organizations, and other GBVH experts should be consulted where relevant.

- **Accessible:** Complainants receive adequate assistance in filing complaints. Barriers to reporting on the grounds of cultural, gender, and social norms, the fear of retaliation, language, literacy, understanding of the process, and other barriers are addressed. Particularly in cases of GBVH, workplaces take special precautions because employees, particularly women and gender non-conforming persons may be reluctant in filing complaints due to a victim-blaming culture inside and outside the workplace.

- **Predictable:** Complaints are dealt with in a timely manner. A specific timeframe is set for each step of the process, from intake to investigation, and from resolution to continuous learning.

- **Equitable:** All affected persons in the complaints process have access to relevant information in a way that is easily understood.

- **Transparent:** The outcomes of the complaints process are explained clearly and in an accessible way to all involved parties. The identity and identifying information will be kept confidential and private unless otherwise voluntarily agreed and at least one channel for reporting will maintain complete anonymity.

- **Rights-compatible:** In response to a complaint, the outcomes, remedies, and sanctions are in line with internationally recognized human rights. Workplaces should assess the possible human rights impact of the complaint particularly on victims by placing the rights, needs and wishes of victims, survivors or complainants at the centre of its decision-making. Workplaces are expected to adopt a do no harm approach by taking appropriate measures to secure immediate safety and refrain from actions which may result in future harm. A victim and survivor's informed consent is voluntarily obtained before any action is taken.

- **Continuous learning:** Workplaces are dedicated to continuous learning and improvement in the prevention and remediation of GBVH by integrating the findings and learnings through monitoring and tracking the number of complaints and the outcome of the grievance mechanisms processes.

- **Based on engagement and dialogue:** Feedback is collected to evaluate the effectiveness of existing grievance mechanisms for GBVH, with special attention paid to the feedback across groups of employees based on their identities and social statuses. The data and lessons drawn are used to inform any changes or improvements to the mechanisms and to support future preventive measures.

In operationalising the complaints mechanism, it is important that there is trust among complainants as well as those who may be the subject of a complaint. Grievance mechanisms that are perceived to be untrustworthy or unpredictable can undermine all other workplace actions on GBVH, making targets of GBVH less likely to report and those investigated less likely to comply with the findings of any investigation, and stymieing efforts to deter future incidents. Additional considerations should be adopted by workplaces to promote the use of grievance channels:

• **Multiple reporting channels:** Recognising that any individual can be a perpetrator of GBVH and any individual can be a target, there should be multiple ways to report that enable individuals access to the company and complaints mechanisms without going to their line manager and/or HR representatives. Workplaces should train a diverse selection of supervisors, team leaders, HR department representatives, department managers, or other workplace officials in addition to trade union representative(s), worker representative(s), or members of worker committees to allow potential victims and witnesses to access multiple contact points to access grievance channels. Beyond formal grievance channels, victims and witnesses should have access to a wide range of channels to file complaints, for instance, through telephone, SMS, e-mail hotlines, online or app-based mobile to provide anonymous tips about potential harassment taking place. It is equally important to ensure that anonymity is maintained through these informal mechanisms, for example, suggestion boxes should be placed in private and secure locations that are easily accessible. Another reporting channel can be facilitated through social dialogue and bipartite committee discussions.

• **Referral pathways:** GBVH can adversely and significantly impact victims and witnesses. A referral system should be in place to direct victims and witnesses to both internal and external services for counselling, legal, medical, and/or social support.

• **Flexible complaints process:** The complaints process should follow the wishes of the victim or survivor in whether the complaints are handled formally or informally. Companies will need to be aware of any mandatory reporting obligations in their location and advise people what will happen if a case meets mandatory reporting requirements (this can be in the case of sexual assault or criminal action)

• **Timely resolution:** Timely resolution of complaints is important for the victim or survivor to ensure no further harm and for the accused to have a clear outcome of an investigation and result. Complaints processes that are lengthy and delayed reduce confidence in the system and can affect workplace objectives around preventing and responding to GBVH. Confidential record keeping about the investigation should support monitoring timeliness.

• **Communicated regularly:** Those involved in complaints and investigations should have regular updates on the process of the investigation. These

should be provided without breaching confidentiality associated with the content of the investigation, focusing instead on process, timelines and steps to be taken.

• **Respecting the wishes of victims and survivors:** Victims and survivors should reserve the right to withdraw their complaint, particularly during formal processes. Workplaces should acknowledge Workplaces should continue to provide support to victims and survivors to ensure that they are able to return to a respectful and safe working environment.

• **Proportionate sanctions and disciplinary measures:** Extreme sanctions and disciplinary measures can reduce people's willingness to report GBVH. Similarly, minor sanctions or disciplinary responses to large breaches of the policy can undermine the workplace message on preventing GBVH. It is crucial that sanctions and discipline are proportionate to the identified misconduct.

Outside the complaint handling process, confidence in the grievance mechanisms can be built through:

- Regularly reporting on resolved complaints (without identifying individuals)
- Communicating instructions about how to use the grievance mechanisms
- Collecting feedback from those involved in operationalising the grievance mechanism
- Ensuring that responsible officers in intake, investigation and reporting on cases of GBVH receive training on gender equality and investigation skills