**Short guide on integrating GBVH considerations into a worker grievance mechanism**

This note provides practical guidance for companies seeking to integrate gender-based violence and harassment (GBVH) considerations into a grievance mechanism; either by establishing a standalone grievance mechanism for managing GBVH complaints, or adapting an existing grievance mechanisms to manage these complaints.

The overarching aim is to ensure that complaints relating to GBVH can be received, recorded, investigated, and managed in an appropriate manner using a survivor-centred approach (see further details on SCA). This includes:

Putting the rights, needs, and wishes of survivors of GBVH at the forefront of the planning, design and implementation of the grievance mechanism;

Helping to keep survivors and other affected individuals safe, by protecting from all forms of reprisal, victimisation and other negative consequences, and ensuring confidentiality at all stages in the process;

Treating all survivors equally and non-judgementally and ensuring that all grievances are dealt with fairly and effectively, regardless of the circumstances in which the incident took place, or the identity or characteristics of the complainant;

Enabling survivors to make informed decisions about what they want from the grievance process, including by providing clear information about different options and seeking their input at every stage in the process.

|  |
| --- |
| Overview: |
| Preparation and planning |  |  | Design and functionality |  |  | Staffing and implementation |  |  | Documenting, monitoring and review |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Consult with workers and their representatives.Ensure alignment with national legal framework and relevant internal policies and procedures |  | Provide multiple reporting channelsOffer an option for anonymous grievancesEstablish clear procedures and protocols Ensure confidentiality at every stage |  | Provide specialist training to those managing grievancesSeek support from independent expertsProvide appropriate support measuresProtect survivors from harm / retaliationCarry out ongoing awareness raising |  | Document grievance processes and maintain confidential recordsConduct regular monitoring and review |

Preparing and planning

* 1. Consult with workers and their representatives

In preparing and planning a GBVH-focused grievance mechanism, companies should consult with workers and their representatives to identify and resolve any potential barriers to workers accessing and using a grievance mechanism for GBVH complaints. This consultation should involve a diverse group of workers, including women and people of diverse sexual orientation and gender identities where possible. Where contractor workforces are in place, it is also important to consult with these workers.

Ensure alignment with national legal framework and relevant internal policies and procedures

Companies will need to ensure that grievance mechanisms and investigation procedures are aligned with national legal frameworks. To do so, companies may need to seek legal advice to understand how national legal frameworks may affect legal obligations and decision-making. Relevant laws will vary by jurisdiction, but may include:

Laws related to employer responsibilities for preventing and responding to GBVH;

Laws related to employee grievance procedures, employee investigation procedures, disciplinary frameworks, and procedural requirements for termination of employment; or

Criminal laws related to sexual offences, including serious sexual offences such as sexual assault and rape.

The grievance mechanisms should be aligned with other company policies and procedures related to GBVH, for example, policies for reporting, disciplinary action, whistleblowing and codes of conduct.

Design and functionality

* 1. Provide multiple reporting channels

The grievance mechanism should include multiple options for filing a grievance. Key considerations include providing several different points of contact with whom a grievance can be filed in case an employee does not feel comfortable approaching a particular individual. Ideally, contact points will include individuals with diverse characteristics, and should always include at least one woman. Individuals should also have an option to file a grievance without direct face to face contact, for example through online channels.

While survivors of GBVH should always have the opportunity to lodge formal complaints, they should also have the option to choose to discuss and resolve complaints informally. In some instances, an informal approach may provide survivors with a sense of greater agency and control to decide what actions can be taken, rather than following the requirements of a formal grievance procedure and investigation. Informal resolution may not be appropriate for more serious forms of harassment, or where there is a risk that the subject of the complaint may cause harm to others. Where a more informal process is followed, it should always be made clear that the survivor can make the matter formal at any stage.

* 1. Offer an option for anonymous grievances

Workers should have the option to put forward anonymous reports of GBVH if they do not wish to be identified. Where the complainant is unknown because the complaint has been raised anonymously, this will have implications for how the complaint can be dealt with. While it will not be possible to have direct contact with the worker to find out more about the issue, or to check how they would like the issue to be resolved, issues raised anonymously should still be investigated. Where complaints have been raised anonymously, investigations should not seek to establish the identity the complainant, even if the complaint contains identifying information.

* 1. Establish clear procedures and protocols

It is important to have clear procedures to follow when a report of GBVH is made - responding poorly or inappropriately to reports of GBVH can undermine the credibility of a company's efforts to address the issue and may cause further harm to those involved. This should include a structured process for deciding whether to hold a formal investigation, a clear and organised approach to investigations, and an appropriate range of potential follow-up actions and remedial actions. There should also be sufficient flexibility in the procedures to accommodate the wishes of survivors, including how they would prefer the issue to be investigated, whether they would like it reported to the authorities and what follow-up actions they would like to be implemented.

* 1. Ensure confidentiality at every stage of the process

The process for lodging grievances should always be confidential and confidentiality should also be maintained throughout investigations and following the conclusion of the process, regardless of the outcome. At a practical level, this means defining exactly what information should be shared and with whom, based on the principle that information is shared with as few people as possible, on a strictly “need to know” basis. Anyone who receives information relating to the grievance should be made aware that it is confidential and that it must not be discussed or communicated with others, and that failure to respect this would result in disciplinary action. Before any information is shared, informed consent should be obtained from the survivor.

Staffing and implementation

* 1. Provide responsible staff with specialist training

All staff who handle GBVH grievances should receive specific training in handling grievances appropriately, including on survivor-centred approach, confidentiality, data management protocols and measures to protect survivors and witnesses from retaliation. If appropriate expertise is available, this training may be carried out in-house, otherwise external support might be required. Where GBVH investigations are carried out internally, relevant staff members should receive training to ensure that they have the skills to conduct such investigations safely and with sensitivity to the needs of survivors.

* 1. Seek support from independent third-party experts

Where companies lack trained staff to investigate GBVH complaints internally, they may commission third-party experts to conduct GBVH investigations on their behalf. This could include HR firms, legal firms, specialist consultancies or international NGOs with appropriate expertise and experience. Even where staff members are trained to investigate GBVH complaints, third-party expertise may still be required, for example responding to particularly complex or sensitive cases, or responding to reports which implicate senior managers. If complaints relate to workers below the age of 18, it is important to draw on child protection expertise.

In order to ensure that appropriate support is in place when needed, companies should map and assess available options for third-party in advance, and may also consider developing relationships or agreements with appropriate providers.

* 1. Provide appropriate support measures

All workers who bring forward a GBVH complaint should be provided with information on available support and safety measures. To facilitate this, companies should maintain a list of local support services who can provide health, legal and psycho-social support to survivors, and provide referrals where necessary. Support offered to survivors should other options as appropriate to the circumstances, such as paid leave. For a list of different kinds of support that companies can provide to survivors, see further details in the SCA Note .

At all times, companies should respect the wishes and choices of the survivor in relation to safety and support measures, including if they do not wish to access any forms of support or support services.

* 1. Protect survivors from further harm and retaliation

All workers who report GBVH, along with any witnesses or individuals involved in investigating grievances, should be protected from further harm, and from retaliation. In doing so, it is important to give survivors and affected individuals the opportunity to identify which types of safety measures they need to be implemented. For example, this may include reconfiguring teams or shift patterns so that survivors do not have any contact with the subject of the complaint, or suspending the subject of complaint while investigations are ongoing.

There should be a clear prohibition on any kind of reprisals or negative consequences against workers who file grievances. Sanctions and disciplinary measures for violations of this should be clearly outlined in company policies, and widely communicated.

* 1. Carry out ongoing awareness raising

All workers should be made aware of reporting channels and grievance procedures for GBVH complaints. This should include explaining how confidentiality and non-reprisal will be ensured and providing clear guidance that the grievance mechanisms should be used to report all types of GBVH concerns, not just concerns of a serious nature. Information about the grievance mechanism should be provided to all workers at the time of hiring, and should also be freely accessible to workers, for example on the company intranet or noticeboard.

Documenting, monitoring and review

* 1. Document grievance processes and maintain confidential records

Companies should keep confidential records of all grievances lodged and the outcome of each process. All paper and electronic information should be stored in secure locations, and should only be accessible to a limited number of people. If reports are provided to third-parties, such as investors, this should not include any names (either of the survivor, witnesses or subject of the complaint), and should not contain any potentially identifying information.

* 1. Conduct regular monitoring and review

Companies should regularly review and monitor grievance complaints, in order to identify any patterns for grievance allegations, for example situations or times when GBVH tends to occur, which might help to identify focus or priority areas to address. Regular monitoring and review can also help to check trends over time, and may also be used to check whether any adjustments are needed to the way the grievance mechanism operates, for example because it is not being used by specific groups of workers.

**Considerations for contractor workforces**

Where contractor workforces are involved in a project, companies should assess the adequacy of the contractor’s grievance mechanism from a GBVH perspective at the earliest possible stage of the project. Companies can use this guidance to consider whether the design, functionality, staffing, implementation, documenting and monitoring of the contractor’s grievance mechanism is in line with good practice. Where possible, contracts should include clauses that require contractors to establish policies and procedures to identify and address GBVH risks.

Where a contractor’s GBVH reporting mechanisms are assessed to be inadequate, companies should identify ways of working with contractors to support better integration of GBVH considerations into their grievance mechanisms. If this is not possible, companies should extend their own grievance mechanism to contractor workforces.

For further guidance on how to work with contractors to address GBVH, see: [*Addressing Gender-Based Violence and Harassment Emerging Good Practice for the Private Sector* (pp 57-58](https://www.bii.co.uk/wp-content/uploads/2020/07/Addressing-gender-based-violence-and-harrassment.pdf))

**Considerations for community-based grievance mechanisms**

Where a project or company operations involve GBVH risk in relation to local communities, companies should ensure that community grievance mechanisms provide for community members to raise concerns or lodge complaints regarding incidents of GBVH involving company workers.

Companies should consult with local communities to determine the most suitable model for a community-based grievance mechanism, taking into account the views of women and girls from different groups. Community-based mechanisms should be designed in line with a survivor-centred approach and provide multiple options for reporting GBVH incidents, with reports going directly to an assigned focal point who is fully trained in how to receive reports, provide survivors with information about support services, and manage all information relating to the incident in a confidential and sensitive manner. Reporting and response procedures, including investigation protocols, responsibilities for managing reports, and availability of GBVH support services, should be clearly documented and well-communicated, as well as subject to regular monitoring and review to ensure their effectiveness.

For further guidance on community-based grievance mechanisms, see: [How to Support Your Company to Develop a Community-Based Grievance Mechanism for Sexual Exploitation and Abuse](https://www.ifc.org/en/insights-reports/2021/publications-gbvh-howto-community-based-grievance-mechanism).

Additional resources

BII tools on managing GBVH, <https://toolkit.bii.co.uk/esg-topics/gender-based-violence-and-harassment/>

BII, European Bank for Reconstruction and Development and International Finance Corporation, [*Addressing Gender-Based Violence and Harassment: Emerging Good Practice for the Private Sector*](https://www.bii.co.uk/wp-content/uploads/2020/07/Addressing-gender-based-violence-and-harrassment.pdf) (2020)

International Finance Corporation, [*How to Support Your Company to Develop a Community-Based Grievance Mechanism for Sexual Exploitation and Abuse*](https://www.ifc.org/en/insights-reports/2021/publications-gbvh-howto-community-based-grievance-mechanism) (2021)