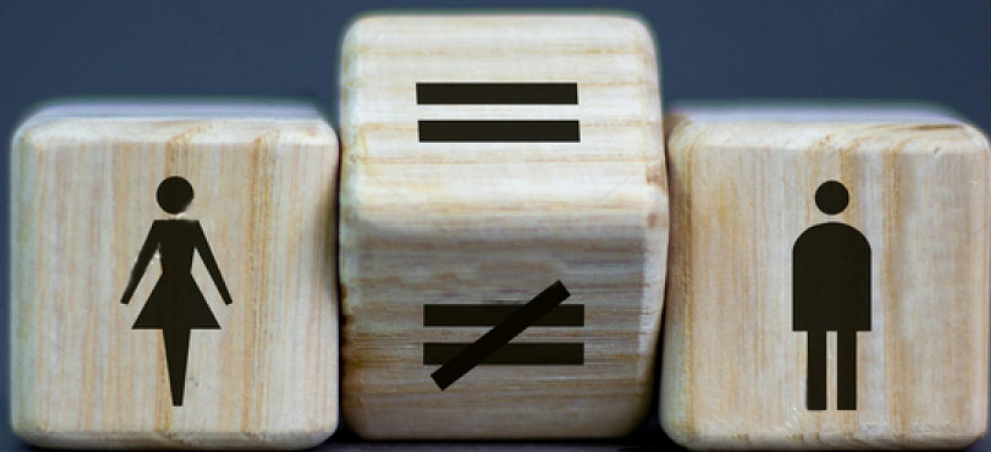


GUIDANCE NOTE

**INVESTIGATING GENDER  
BASED VIOLENCE AND  
HARASSMENT COMPLAINTS**

**A PRACTICAL GUIDE FOR  
CORPORATE GRIEVANCES  
MECHANISMS**



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# Acronyms and definitions

<b>CEO</b>	Chief Executive Officer
<b>ECLAC</b>	Economic Commission for Latin America and the Caribbean
<b>GBVH</b>	Gender based Violence and harassment
<b>GM</b>	Grievance Mechanism. A formal process used by individuals, communities, workers or others to report a concern or complaint.
<b>Offender</b>	A person who commits or threatens to commit GBVH.
<b>LAC</b>	Latin America and the Caribbean
<b>UN</b>	United Nations
<b>Victim</b>	A person subject to gender-based violence and harassment, that is recovering or has recovered from its effects. Depending on the preference, they can also be called survivors. The terms are used interchangeably throughout the document.
<b>WHO</b>	World Health Organization

## Acknowledgment

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# Introduction

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IDB Invest is committed to promoting gender equality. As part of the Sustainability Policy, IDB Invest requires clients to ensure that workplaces are safe and prevent gender-based violence and harassment (GBVH), and to create grievance mechanisms that are accessible, efficient, and trusted.

In Latin America and the Caribbean, the World Health Organization estimated in 2021 that prevalence of sexual violence is higher in the Americas region as compared to global estimates. At least 4,091 women were victims of femicide in 2020 in the region, according to ECLAC<sup>1</sup>, despite greater visibility and social condemnation of GBVH. Even though there is no consistent data on sexual harassment in the region, national surveys in Brazil, Argentina and Chile have found that nearly half of working women have faced this type of violence in the workplace.<sup>2</sup>

Despite this, not all companies in Latin America and the Caribbean have grievance mechanisms in place that are equipped to adequately manage GBVH cases. To properly manage those cases, the grievance mechanism should have an established procedure, be amply disseminated, ensure confidentiality, and offer clear guidance on how the process will work. The company should provide the necessary resources to resolve these cases, including a proper investigation and follow-up mechanisms.

An effective grievance system needs to be trusted by workers and perceived as a safe and fair channel. This is especially true for GBVH complaints. Survivors of GBVH can face lifelong consequences, such as depression, anxiety, and post-traumatic stress disorders. GBVH in the workplace can also have high costs for companies, such as high worker turnaround, low productivity, absenteeism, and reputational risk.

This guide is intended to provide practical suggestions for companies and enterprises when investigating a GBVH case in the workplace. It is divided into two parts, one focusing on a general overview of grievance mechanisms and GBVH, and the second describing the step by step suggested when investigating a GBVH case. Throughout the document, you will notice boxes with specific examples to illustrate the different situations.

<sup>1</sup> Economic Commission for Latin America and the Caribbean, The Pandemic in the shadows: femicides or feminicides in 2020 in Latin America and the Caribbean, 2020. Retrieved from: [https://www.cepal.org/sites/default/files/infographic/files/21-00792\\_folleto\\_the\\_pandemic\\_in\\_the\\_shadows\\_web.pdf](https://www.cepal.org/sites/default/files/infographic/files/21-00792_folleto_the_pandemic_in_the_shadows_web.pdf)

<sup>2</sup> World Health Organization, Global and regional estimates of violence against women. Retrieved from: <https://www.cepal.org/en/pressreleases/eclac-least-4091-women-were-victims-femicide-2020-latin-america-and-caribbean-despite>

# **PART A** *Grievance Mechanisms and GBVH*



## WHAT IS A GRIEVANCE MECHANISM?

IDB Invest's Sustainability Framework sees stakeholder engagement as a continuing and iterative process throughout a project's lifetime, including during implementation. Therefore, it requires clients to engage with stakeholders on an ongoing basis, and to provide a way to resolve questions, concerns, and complaints.

For this purpose, clients need to establish a grievance mechanism (GM) to receive and facilitate resolution of concerns and grievances about the client's environmental and social performance. Clients are required to establish both external GM (for affected communities and external stakeholders) and internal GM (for workers and contractors)<sup>3</sup>.

According to best practices, GMs should be:

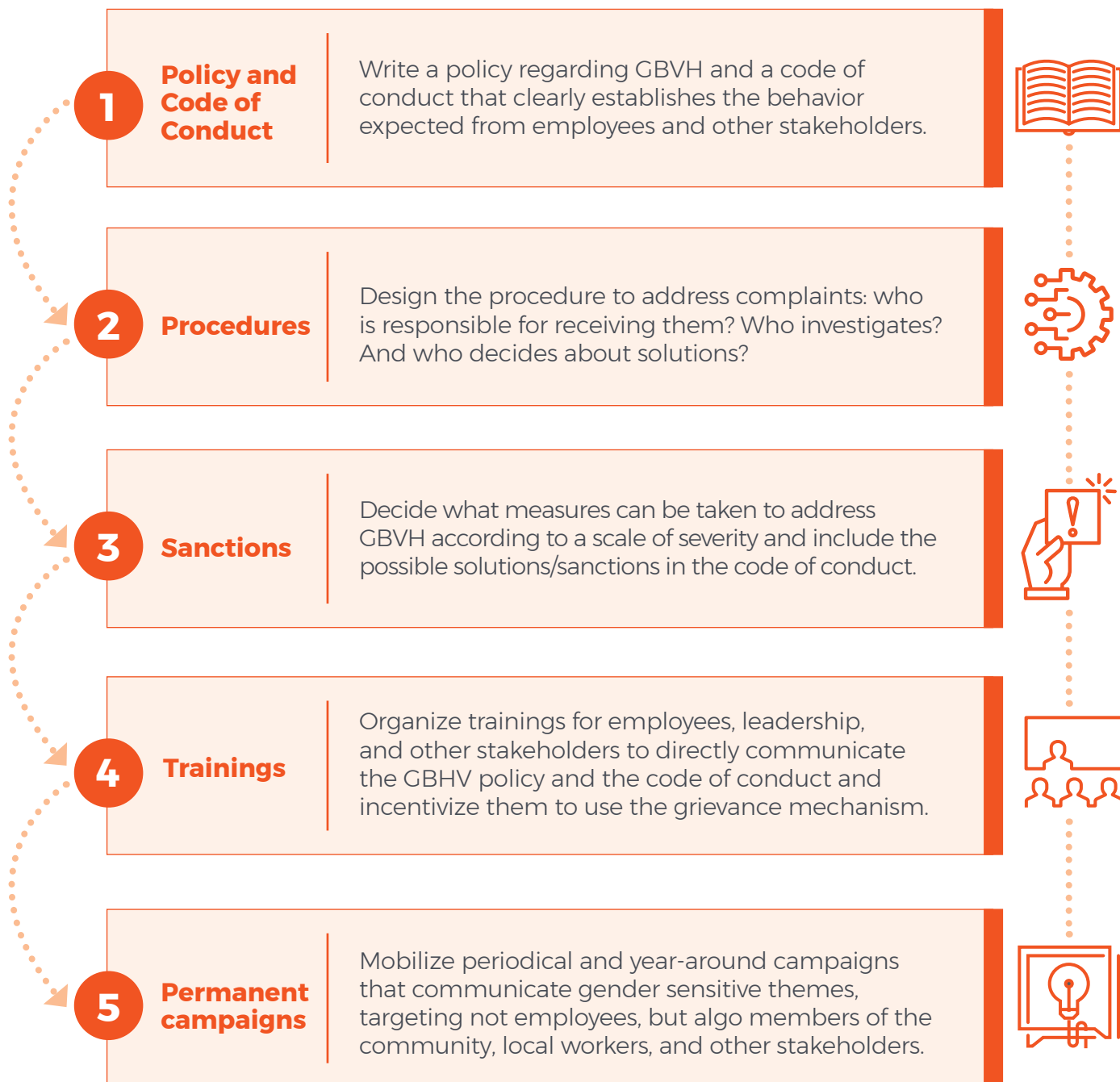


GMs should also address risks that may be particular to vulnerable groups. In cases that involve GBVH, it is important that grievances can be handled under confidentiality. The company should provide the necessary resources to resolve these cases, including a proper investigation. An effective grievance system needs to be trusted by workers and perceived as a safe and fair channel.

GMs also represent an opportunity for clients to foster an institutional culture of visibility and trust, and to allow for a proper diagnosis of the workplace and the company's surrounding. The more avenues for employees and affected communities to communicate GBVH cases, the greater the chances of the company to address this issue in a more systematic manner. Centralizing information in the same place allows the company to have a constant finger on the pulse of the working environment. The usage of the GM to record everything in one place, even the least serious occurrences, will allow to have a deeper understanding of the workplace and their surrounding environment.

<sup>3</sup> More information: Environmental and Social Sustainability Policy – Implementation Manual

## **Building a safe grievance mechanism to address GBVH** **Step by Step guidance**



## WHAT IS GBVH?

Gender Based Violence and Harassment is a term<sup>4</sup> that encompasses actions or behaviors that inflict physical, sexual, psychological, or economic harm on individuals, based on their gender identity and expression, particularly targeting women.

In the workplace, this can include unwanted sexual advances, discriminatory comments, threats, and other forms of coercion that create a hostile environment and undermine women's safety and professional standing. These are the most common types of GBVH:



### **Rape/Attempted rape**

To constrain someone, through violence or threats, to engage in sexual intercourse or to forcibly submit them to other acts of a sexual nature; or to engage in sexual acts with someone who is unable to exercise free and informed consent.



### **Psychological abuse**

To cause emotional harm that hinders and disturbs a woman's full development or that aims to degrade or control their actions, behaviors, beliefs, and decisions, through threats, embarrassment, humiliation, manipulation, isolation, blackmail, ridicule, limitations of the right to come and go or any other means that may inflict harm on their psychological health or impede their self-determination.



### **Microaggressions**

Actions or discourses that indirectly, subtly, or even unintentionally discriminate against women. The most common microaggressions are (a) being interrupted while speaking; (b) having others question your judgment; (c) having others comment on your emotional state or your mental health; and (d) listening to insults, comments and "jokes" that reproduce gender stereotypes.

<sup>4</sup>The definitions below were based on international, regional, and local legal standards, specifically on the Convention on the Elimination of All Forms of Discrimination against Women, ILO Convention n. 190 (Violence and Harassment Convention), Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) and the Criminal Codes of Brazil, Argentina and Mexico.)



**Gender-based Harassment**

A continuous and reiterated process of abusive conducts that, regardless of intentionality, violates the integrity, identity and human dignity and specifically targets women in the workplace, through the degradation of socio-professional relationships and the work environment, pressure to perform unnecessary or exorbitant tasks, discrimination, humiliation, embarrassment, isolation, social exclusion, defamation, or psychological distress.



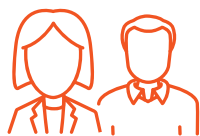
**Sexual Misconduct**

To practice a lewd act against someone without their consent with the aim of satisfying one's own sexual urge or that of a third party, or with the aim to humiliate or intimidate the person.



**Sexual Harassment**

Any conduct containing a sexual connotation that is practiced against someone's will, in a verbal, non-verbal or physical form, through words, gestures, physical contact or other means, and has the effect of disturbing or embarrassing the person, undermining their dignity, or creating an intimidating, hostile, degrading, humiliating or destabilizing environment in the workplace.



**Stalking**

To persecute someone, repeatedly and by any means, threatening their physical or psychological integrity, restricting their ability to come and go or, in any way, invading or disturbing their freedom or privacy.



### **Gender-based Discrimination**

Comprises any distinction, exclusion, restriction or preference based on sex, gender, sexual orientation or gender identity and expression, or any other such limitation that may impinge on the recognition or exercise, on an equal basis, of fundamental rights and freedoms pertaining to economic, social, cultural and labor factors or in any area of public life; it covers all forms of gender-based discrimination, including the denial of reasonable accommodation.

### **IDB Invest's Requirement:**

IDB Invest's Sustainability Policy acknowledges that individuals can be disproportionately affected by negative impacts of projects due to their gender. To address this, the policy mandates that clients identify and mitigate gender-related risks throughout the project lifecycle. This requirement aligns with specific performance standards aimed at fostering equitable participation and safeguarding against discrimination. The policy underscores the importance of tailored approaches that recognize and address the unique vulnerabilities and needs of different gender groups, thereby promoting gender equity in project outcomes.



## ZERO TOLERANCE POLICIES

Some companies have adopted what has become known as zero-tolerance policies specifically for cases of GBVH. In general, what these policies advocate is the dismissal of anyone who engages in inappropriate conduct. But this type of institutional stance may end up having the opposite effect to that intended, as it may discourage less serious cases from being reported.

The main purpose someone has in mind when they decide to report inappropriate conduct is, usually, to solve the problem, ending their exposure to harmful behavior. A grievance mechanism should be a space where people seek to resolve problems arising from interpersonal conflicts at work, from the least serious to the most serious ones.

A company or institution must commit to addressing all inappropriate conduct, with responses proportionate to the severity of each case. Evidently, a serious case may give rise to a liability measure that involves a person's dismissal. But most likely, cases will be resolved with milder accountability measures. If the zero-tolerance policy implies the dismissal of anyone who engages in GBVH, regardless of its severity, this could end up leaving the company without the necessary instruments to deal with most cases that generally occur.

A work environment does not become toxic or unhealthy only when there is a case of a very violent and abject GBVH. When one of these cases happens, it is most likely that the company has missed numerous opportunities to correct previous behavior before it became serious.

### *Example*

The CEO of a company, based on the recommendation of its legal and compliance departments, announced during an event for the entire company that they would adopt a zero-tolerance policy for sexual harassment. Every offender would suffer the punishment of dismissal. He also encouraged employees to report cases and trust the company would diligently investigate and punish all cases. Everyone was committed to building a harassment-free environment. And then, the first report of sexual harassment arrived. It was a man who insisted on commenting on his colleague's body. The colleague, at first, laughed and pretended not to be bothered. She attributed the conduct to an antiquated education that had nowadays become anachronistic. But after months of putting up with that comment, she was quite uncomfortable. She tried to talk to him about her discomfort, but he said it was nonsense for her to be upset, that he was just complimenting her. The colleague then reported this inappropriate behavior, which could in fact be considered sexual harassment. But would it be serious enough for dismissal? Wouldn't there be less serious ways of holding this man accountable and resolving the problem for the victim? The company quickly decided to review its zero-tolerance policy.

## GBVH INVESTIGATION - WHY?

It is common that companies question the need for an investigation. The main objective of an investigation is to understand what happened and correct the problems that are preventing a safe and dignified work environment for everyone. Only by establishing what happened can companies take the appropriate measures to correct the problem, establish accountability, and potentially identify systemic issues in the workplace. An investigation will help understand what happened and correct the problems that are preventing a safe and dignified work environment for everyone.

There are moments when an investigation might not be necessary. For example, when everyone involved gives the same description of what happened, and there are no disputes about the facts. If the situation is incontrovertibly established, there is no need for an investigation.

In the case of GBVH it is common that men and women have different perceptions about the seriousness of what occurred. Men commonly tend to find that some behaviors are accepted, or should not be taken seriously, while most women believe those behaviors to be harmful. It is important that policies and processes are established by diverse teams, allowing for equitable representation of different genders. Otherwise, the company will likely minimize problematic behavior and even be lenient with cases that should not be accepted according to female workers' opinion.

### *Example*

An employee reports that her direct superior comments on her physical appearance and asked her out three times in the last month. She refused all invitations. In this case, if the victim agrees, the company can listen to the person being reported and ask if he made comments about the employee's physical appearance, and whether he asked her out. If he confirms it - even if he says that there was no intention to make her uncomfortable, or that he thought it was a mutual flirt situation - there is no dispute about the facts in this case. There is no need for further investigating and proper measures can be deployed.

During an investigation, it is important to consider if the person being investigated is willing to recognize that their behavior caused a negative impact in another person (even if they did not to cause harm), and if they are willing to apologize and change their attitude to no longer cause harm, repairing any damage caused to the victim. Since the goal is to have a safe and dignified work environment, any conduct that causes harm, great discomfort, or insecurity should not be tolerated.

Finally, investigations can provide a map of what has occurred, but the implications for the worker that caused GBVH and the worker that suffered it should be discussed in a separate process. Those conversations must involve the company's leadership and be guided by a previously established policy.

## CHALLENGES AND SPECIAL CONSIDERATIONS

### 1. Lack of reporting

Complaints of GBVH cases are already less reported than other kinds of grievances in the workplace, and victims face too many obstacles to report. There are several legitimate reasons that can guide someone's decision not to report. Fear of future retaliation for having "caused a problem" at work is one. The victim may be dealing with sentimental ambivalence towards the offender, or the victim may have a relationship of professional dependence with the accused, believing that their career is under threat. You may also think that the complaint is an exaggerated response or that it will be ineffective. Furthermore, it is possible that the victim is resisting the need to relive the episodes that led them to report it.

### 3. GBVH usually does not happen in one act

In almost all cases, GBVH is a process that brings about a chain of behaviors that, considered together, constitutes a situation of harassment. Sometimes, some of these behaviors, considered in isolation, would not even be considered problematic. But viewed as a complex instance of GBVH, they make up the general picture of harassment.

### 2. GBVH is not simple to understand

The first difficulty in investigating GBVH cases is understanding what is and how the phenomenon occurs. When your company talks about GBVH and thinks about communication strategies on the subject, it is ideal to refer to unacceptable conducts, the cases that may occur, what should be avoided, and, even better, the values and principles that should guide each person's behavior. Simply saying that "harassment is not tolerated here" may resonate in a limited way among your employees and the community.

### 4. GBVH involves dealing with people

The person responsible for the investigation needs to be patient and empathetic with everyone involved, including the person being accused of inappropriate behavior. While investigating, it is important not to judge, but to understand what happened and think about the necessary accountability measures.

## 5. There is a subjective element to GBVH

Objectively, there is a conduct that can be considered inappropriate. But the severity of the behavior is only properly assessed if the possible victim felt harmed or coerced by it if the conduct was also subjectively violent. The element of subjectivity brings challenges to the investigation that cannot be ignored, and it is key to bring the subjective perceptions of those involved into the process.

## 7. The need for confidentiality

All reports, even those in which the victim identifies themselves, must be investigated under confidentiality. This means that only investigators, potential victims, and perpetrator are privy to the allegations. The identity of the victim identified can be protected if the victim so wishes and if it is possible in the case.

## 6. Finding evidence is tricky

When investigating cases of harassment, producing evidence is like putting together a puzzle. The investigator finds evidence that corroborates parts of the report, and each piece of evidence becomes a piece of the puzzle. The job is to gather every piece of evidence until you obtain the picture that demonstrates the occurrence of a GBVH.

A complaint mechanism needs to allow for anonymous reports to be sent. Anonymity helps to reduce inhibitions for those who are in the position of whistleblower, whether as a victim or witness. Giving people the option to remain anonymous when raising concerns will help build trust in the reporting process. Furthermore, it sends the important institutional message that solving the problem is more important than exposing the people involved.

Unfortunately, it is not possible to investigate a GBVH case if the victim wishes to remain anonymous. First, because the victim's word is essential for characterizing harassment. Secondly, to understand what happened, it is important to listen to everyone involved, giving them the opportunity to explain the facts from their perspective. And this will only be viable if the person being reported knows what circumstances are under scrutiny. Therefore, it is necessary to align expectations regarding anonymous reports, informing about the impossibility of an investigation.

If the complaint is about inappropriate behavior that impacts the entire workplace or surrounding communities, without a specific victim, it is possible to decide on accountability measures even if the complaint is anonymous.

The investigator can work to provide reassurance to the victim, so they feel safe to formally report. This is possible if the complaint mechanism has an option for the victim to submit an anonymous complaint. If someone prefers not to report because they are afraid of identifying themselves, this must be considered an institutional failure, which must be corrected in the best possible way. If the victim insists on remaining anonymous, it is necessary to explain that it will not be possible to continue with an investigation.

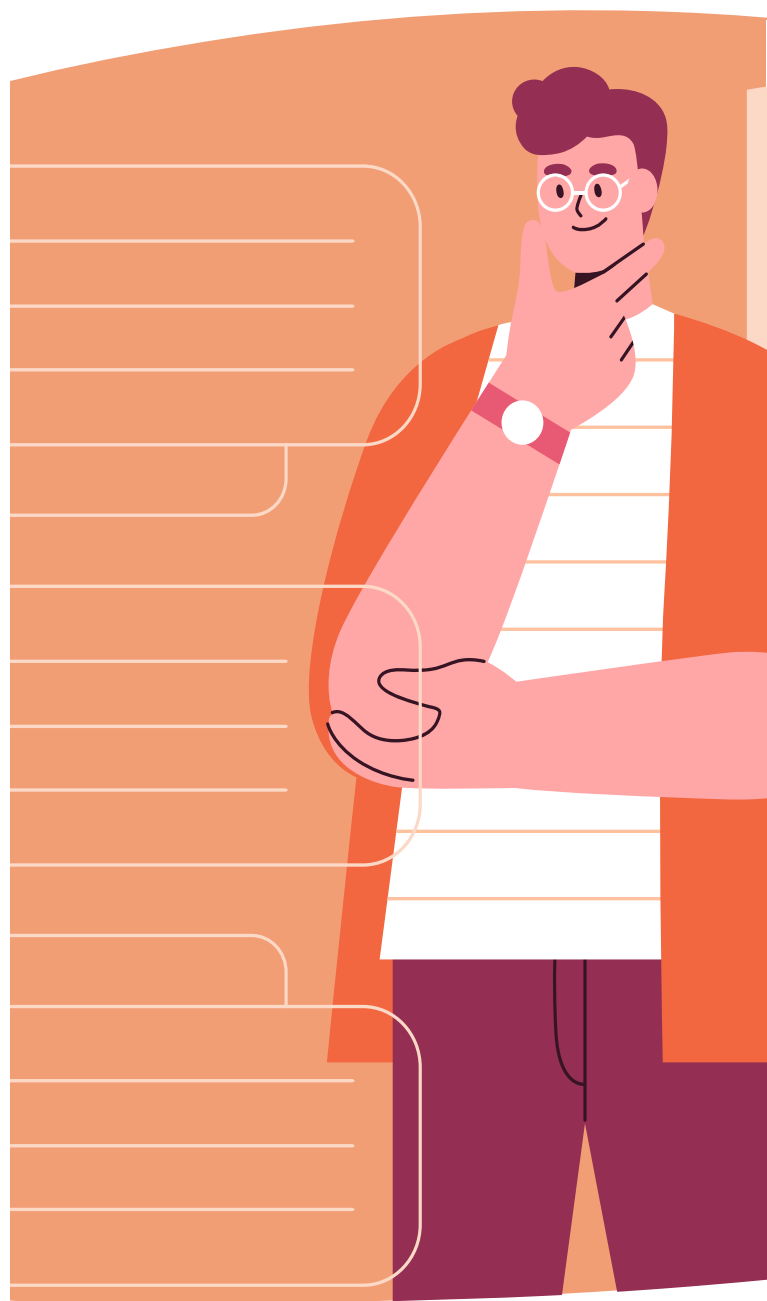
Anonymous reports can be used to help understand the work environment and develop intervention strategies to correct it. It is an important form of institutional accountability, beyond the individual punitive measures. For companies and institutions to be able to identify risks arising

When receiving an anonymous report, first contact the direct manager of the person being accused to try to understand the scope of the case. Do not discuss the complaint with them but ask general questions about the person. Next, the investigator can think about next steps: is it possible to identify the victim (or victims) and contact them to assess their willingness to report? Is it possible to identify witnesses to the incident? Is there a history of inappropriate conduct on the part of the person being reported? This will help the person responsible for the investigation to decide on what approach to take.

from inappropriate conduct, everyone needs to feel confident in speaking out and presenting information about the problems. This makes it possible to resolve them while they have not yet caused irreversible damage to the people involved. The sooner harmful behavior, microaggression or problematic conduct is addressed, the greater the chances of effectively correcting the work environment and preventing more serious cases.

## GOVERNANCE, ROLES AND RESPONSIBILITIES

To conduct investigations in a GBVH complaint mechanism effectively, a structured team is essential. The team should consist of two main components: a team of investigators and a decision-making body. The team of investigators typically includes at least two individuals: one responsible for conducting interviews with the involved parties and the other for taking detailed notes and managing documentation. This ensures a thorough and unbiased investigation process. The findings and reports generated by the investigators are then submitted to a decision-making body, such as an ethics committee, board, or similar authority. This body is tasked with reviewing the report, considering the recommendations, and making informed decisions regarding the outcomes and necessary actions based on the investigation's findings.



# **PART B** *Step by Step: Investigation of a GBVH case*





The investigation of GBVH cases requires flexibility on the part of the person who investigates. Each harassment case is unique. It is not possible to develop a rigid protocol, with all previously established steps. Investigators need to be resourceful and privy to the necessary tools to effectively conduct each procedure.

On the other hand, the procedure cannot depend exclusively on the discretion of the person who investigates. It is necessary to have a previously defined flow, a set of guiding principles and a robust repertoire of good practices.

Keep in mind the need for employees and collaborators of the company to trust in the objectivity and interest in resolving the issue on the part of the investigator. The procedure must be conducted in such a way as to enable the problem to be resolved - it should not work to bureaucratize its addressing. Investigators need to remain objective and convey this trustworthiness when dealing with people involved in the cases. The main objective of an investigation is to understand what happened to that it is possible to resolve the problem.

## Once the GBVH cases is reported to the grievance mechanism



### 1 Contact the victim

Probe the extent of the problem, explain the procedure, and assess how they would like to proceed.



### 2 Interview the victim

Consolidate the facts under scrutiny into a chronologically organized and coherent report.



### 3 Decide on protective measures

See if there are any measures to be taken, within reason, to protect the course of the investigation.



### 4 Draw a map for the investigation

Define the scope of what is being investigated and anticipate the kind of evidence will be needed to corroborate the report.



### 5 Interview the witnesses

Take this opportunity to fully understand the situation and to produce the necessary evidence.



### 6 Organize the evidence and check the need for other diligences

Do you have enough pieces of evidence to corroborate the facts presented and to support your final conclusions?



### 7 Elaborate the final report and action plan

Recommendations for corrective measures and action plan on measure to repair the victim, restore workplace.



### 8 Monitor the Action Plan

Track the implementation of the measures that will prevent new cases from happening and will protect the victims from retaliation.



## Contact the victim

# 1

### GOAL

The focus of this step is to make the victim feel safe and heard and allow him/her to share everything they deem relevant to the procedure.

Once the company has received the grievance, the first step is to contact the victim. Ideally only two people should be present: the interviewer and the note-taker. The person in charge of conducting the interview is responsible for building rapport with the victim, acknowledging their statements and validating their feelings. The note-taker must be responsible for organizing the narrative into a coherent report and is responsible for the investigation.

At this point, the victim may not have an organized narrative of the facts, but this should not be a problem. You don't even have to go

into a lot of details if the victim does not seem ready to do so. Remind them that they will have another opportunity to do so, if necessary.

If needed, schedule a second interview with the victim so they can present any important evidence and the chronology of events. See how they feel most comfortable proceeding.

The first contact with the victim should be used only for intake. Leave going into the details of the case for a second interview and advise them on the kind of evidence they can bring to it. Take the opportunity to clarify to the victim all the possible outcomes.

To understand the extent of the problem, your first set of questions should evoke a narrative, with instructions for starting the conversation (open-ended questions only). To assess the victim's expectations with the procedure and to create a bond of trust with them, sensible questions are suggested.

### FIRST CONTACT WITH THE VICTIM

#### Understand the extent of the problem:

- Tell me why you are here and start where you feel most comfortable, in whatever way works best for you.
- Please share what you think is important for me to know, and feel free to be more objective or more detailed, depending on your mood.

#### Asses their expectations:

- How did this situation/behavior affect you?
- How can we work together to find a solution and move forward?
- What would you consider to be a fair solution to this case?
- What do you expect from this process?



## Interview the victim

### 2

#### GOAL

To have a consolidated report with an organized chronology of the facts. This is the most important piece of the investigation, the one that establishes the claims under scrutiny.

- Choose an appropriate and reserved location, limiting the number of people in the room.
- Introduce yourself and the other people who may be with you, explaining the role of each person at that moment.
- Thank the person for their presence and their time, acknowledging the hardships they might be experiencing to be there. Show empathy for what they've been through.
- Ask if they are comfortable and inform them that they can take breaks whenever they want.
- Tell them that they are in charge of the interview and that they can choose to interrupt it or abandon it at any time. Do not judge anyone who decides to give up on the procedure – the priority of the procedure is the safety of the victim.
- Briefly present the procedure, timeline, next steps, and possible outcomes, leaving space for them to ask questions.
- Emphasize that the entire procedure is confidential and only accessed by those responsible for the investigation.
- Explain that the next steps in the investigation will only be taken with their agreement, especially the communication of the complaint to the possible offender.
- Ask the victim if they prefer to have the hearing done online (they might feel safer). Consider the victim's experience and all the fears and doubts they might be facing to be present.
- Keep your possible unconscious biases under control (specific section on this ahead).
- Avoid questions that already indicate an answer and prefer open-ended questions. Never ask: tell me how you were sexually harassed?
- Practice active listening: repeat back what they say and use non-verbal cues to show that you are listening.
- Normalize the feelings and reactions expressed by the interviewee: all trauma symptoms are normal. If they start crying, for example, say something like: Don't apologize. People who have experienced similar situations often have this type of reaction.
- Avoid labeling the interviewee as a trauma survivor or a victim and give them space to reach that conclusion if that is the case.
- Do not insist or push the victim to talk. Give them space and remain calm.
- Keep in mind that the victim may be facing the following obstacles to be there: fear of retaliation; ambivalent feelings towards

the offender; professional dependence of the offender; conviction that they are taking measures that are too drastic or disproportionate; pain of remembering events; institutional distrust.

### **What is unconscious bias?**

It is an attitude, that we are mostly not aware of, that refers to our beliefs, thoughts, and stereotypes. It is an automatic reaction that reflects a judgment you might have in favor or against someone or something.

### **How to conduct the interview?**

Constantly pay attention to your body language. Your body language impacts how you are perceived by a victim or witness. Learn to perceive and interpret signals from the space you are in. Modulate your voice. Consider taking off your blazer or adopting a more casual tone if you realize that the interview will flow better if conducted in a conversational tone and less in an interrogative tone - but be careful not to be too informal. Consider that constant eye contact may be difficult or uncomfortable for a trauma survivor. Constantly check in with the interviewee to see how they are feeling.

Some questions can help stimulate memory. Ask about sensory experiences: smells, sounds, tastes, and touch. Ask about other people the victim has spoken to and ask them to recount what was said to them. Ask for things that can jog the victim's memory, such as photos, messages, diary, calendar or even a map of the workplace. Ask them to describe what happened, pointing at a blueprint of the office, for example.



## Decide on protective measures

3

### GOAL

To ensure the safety, well-being and dignity of the complainant. Protective measures are put in place to mitigate any potential harm or retaliation that the victim may face as a result of coming forward with the complaint.

When dealing with GBVH cases, you can suggest the enforcement of protective measures to ensure the procedure runs as smoothly as possible and the people involved in it are safe and unexposed.

Remember that protective measures are only temporary, and they serve to guarantee the necessary conditions for an adequate investigation. They do not serve as an anticipation of a possible sanction, nor are they enforced aiming at the resolution of the problem. They are only necessary while the investigation is unfolding.

Protective measures may include, but are not limited to:

- Suspension of the person being investigated during the procedure. This measure must be applied if the person being investigated knows that a complaint has been filed against them, to prevent attempts to interfere with the investigation. This is specially recommended under two occasions:
  - If victim and offender are coworkers whose day-to day involves interaction between them
  - If the offender occupies any management position
- Providing the victim with working conditions appropriate to their situation, until the

investigation is completed (for example, allowing them to work from home).

- Loss of access to the company's system, to avoid suppression of evidence, for example
- Prohibition of contact with potential witnesses or stakeholders in the case

Any protective measure must be decided once the investigators have a clear view of the problem, and they should not be enforced lightly. Only opt for a protective measure if you judge it to be necessary for the procedure to happen without interference.

Every protective measure should be enforced for a specific amount of time. If you are suspending the investigated, for example, tell them for how long and for what reason. Keep in mind that the existence of protective measures of this kind pressures the investigation to be conducted as quickly as possible.



## Draw the investigation map

### 4

#### GOAL

To define the scope of the investigation, tracking the process by establishing timelines. Additionally, to ensure a thorough, systematic, and fair investigative process.

It is only possible to properly investigate something if the scope is defined. To define the scope of the investigation, try to understand the temporal extent of the GBVH and the degree of damage that may have occurred to the work environment.

Long, detailed accounts should be transformed into smaller, objective pieces of fact. This is the work of the investigator, not of the victim. Carry out this task of organizing the report and defining what will be investigated and what needs to be clarified. From there, draw up the map for the investigation.

This course of action may change throughout the procedure, but it's important to have a roadmap to get started. It must be developed according to the following steps:

- Carry out a risk assessment and understand the investigation's feasibility. Try to visualize how the investigation will unfold, what types of evidence will be produced and what possible steps can be taken. Assess the risks of these developments and the best way to mitigate them.
- Decide on the witnesses to be interviewed (consider that other relevant witnesses may emerge during the procedure).
- List the relevant allegations made by the victim and classify them according to the glossary

and severity parameter, remembering that this is just an initial labeling, and it can probably change.

- Start a timeline of relevant events and identify gaps that need clarification.
- Try to anticipate the type of evidence capable of corroborating the statements made in the victim's report.
- Assess the limits of conducting the investigation if the victim chooses to keep their identity anonymous and decide with them (in the second interview or in a specific conversation for this purpose) how to proceed



## Interview witnesses

5

### GOAL

To gather corroborative evidence, clarify inconsistencies and provide context to ensure a comprehensive and impartial understanding of the incident.

When scheduling interviews, whether via email, message, or call, be sure to follow these steps:

- Briefly explain the scope of the procedure and what is expected of the interview. When communicating for scheduling, avoid giving details of what is being investigated.
- Provide a list of possible evidence that can be brought to the interview (messages, emails, photos, documents).
- Ask them to organize a schedule of relevant events, preferably with specific dates.
- Choose a safe and discreet location. If the interview is online, ask them to be in a place where they feel safe, and no one can overhear them.
- Consider how long the interview is likely to take and let them know about this - you can give them the option to choose the best format for longer interviews (a single long interview or two shorter ones, for example).

On the day of the interview:

- Conduct the interview with just one other person, responsible for taking notes.
- Follow the same steps when interviewing witnesses as when interviewing victims to inform them of the procedure and to create a safe environment.
- First, try to understand why they are involved in the case and how they can contribute to its

elucidation. Ask for their opinion on why this happened. Then ask specific questions.

- Prefer open-ended questions that do not point to an answer.

Be careful when deciding who should be interviewed. The number of people interviewed must consider that the greater the number of people interviewed, the greater the chances of leaks and delays in resolving the case. Only listen to witnesses who have something to corroborate in terms of evidence and context.

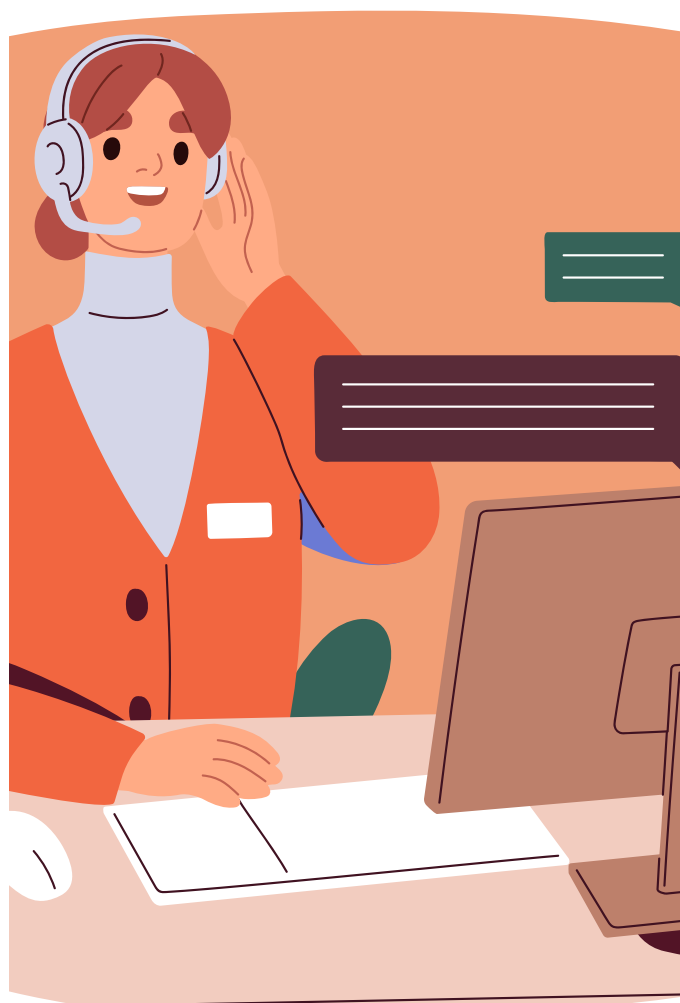
- Start with broader questions and gradually make the focus more precise and concentrate on what is being investigated.
- Repeat and paraphrase what was said to make sure you understand correctly.
- Ask follow-up questions for more details and repeat the question if the person isn't responding directly.
- Give interviewees space to speak, but keep the interview focused.
- Ask about who, how, where, when, and why, and ask for details about interactions with the victim.
- Ask the interviewee to tell the story backwards - this is a good technique that allows you to find possible inconsistencies and fix them.
- Do not use terms with a heavy legal

connotation, such as sexual harassment, victim, and complaint, for example.

- Reinforce the values of the investigation procedure, such as confidentiality and the commitment to nonretaliation.

Interviews can be recorded if expressly authorized by the interviewee. It should be explained to them that only investigators have access to the recordings and that its sole purpose is to allow the necessary clarifications to be made later. After the investigation is finalized, all recordings must be destroyed, and this must also be communicated to the interviewees.

Use this metric to classify the facts under scrutiny, to facilitate the investigation and to support the measures of responsibility.





## Organize the evidence and evaluating the need of other diligences

6

### GOAL

To gather corroborative evidence, clarify inconsistencies and provide context to ensure a comprehensive and impartial understanding of the incident.

Based on the timeline drawn up and the consolidated report, it is possible to put the evidence in order. See what is useful and what is unnecessary. Write a report clearly establishing which claims are substantiated by the evidence, which appeared in the hearings (and in which hearings), and which remains controversial.

In some more complex cases, once this investigation stage is complete, you will realize that there are still some pieces of the puzzle missing. You may find some contradictions in the report, for example. There may still be some elements missing to substantiate relevant parts of the narrative. Whatever the case, you can always look into more documents, schedule more interviews, and look for more evidence in general.

Do you have everything you need to reach a conclusion? Then it is time to write the report. But first, let's take a closer look into how evidence must be gathered in GBVH cases.





## Elaborate the final report and action plan

7

### GOAL

To provide a comprehensive record of the investigation, support accountability and transparency, and provide a foundation for future actions and improvements.

The final report is prepared by the investigators so that the board and committee can take an informed decision about the case. It should be conclusive and divided into three parts: structural diagnosis, corrective measures, and monitoring. This last part, in turn, must have three distinct sections: measures to hold the offender accountable for the inappropriate behavior; measures to repair the harm done to victims; and measures to restore institutional trust in the workplace.

Investigators cannot be responsible for the final decision on the case. The final conclusive report made by the investigation team has the conclusion about what happened and recommendations about what to do about it. But the final decision needs to be made by the board, the leadership, or an ethics committee. They are also responsible for deliberating on the recommendations made and defining the plan to monitor the situation afterwards.

At the end of the investigation, it is essential that the institution reflects on the reasons why the events occurred. The final report is conclusive. This means that it contains conclusions about what happened and the veracity of the claims. Part of the report must provide a structural diagnosis that answers fundamental questions to be addressed: did the work environment contribute to inappropriate behavior? Were there previously

missed opportunities to address this problem? Only through careful and honest reflection it is possible to elaborate on the necessary measures to prevent other cases from happening.

An effective course of action bifurcates into immediate responses to address specific episodes and long-term solutions to correct the work environment so that it no longer tolerates or even encourages GBVH. The right measure of institutional accountability is determined by what is necessary for the company to learn from the experience, take responsibility for what happened, and move toward more gender-sensitive practices in the workplace.

Part of the measures must establish procedures capable of delivering sustainable solutions over time. This includes, for example, new rules of engagement, formal procedures for receiving and dealing with complaints and new spaces for mediating conflicts between coworkers. It is equally essential to expressly communicate the institutional commitment to correcting flaws and working to prevent new cases from occurring.

The final report also needs to present specific measures for the individuals involved. Once the report established what happened, it must present recommendations about the measures to hold the offender accountable. This can be done through sanctions, but, whenever possible, it should also be given an opportunity for the offender to realize the problem with their behavior and change it. Additionally, it should include measures that reinforce institutional commitment to preventing new cases and develop communication strategies for them. For instance, holding conversations to address the problem in a more structural way, without the need to focus on the specific case. In separate meetings, let the victim and the person reported know the conclusion of the investigation and the steps which will be taken afterwards.

Scale	Classification	Description	Examples	From the glossary	Possible corrective measures/sanctions
1	Generally not offensive	Customary opinions and comments on non-sensitive topics	Polite compliments on appearance; informal but respectful interactions among colleagues	Microaggressions	Talk to the offender so they can correct their behavior Warning
2	Upsetting and mildly offensive	Discourse that affirms or suggests gender stereotypes or ideologies harmful to women	“Jokes” that exploit oppressive gender roles; opinions that reinforce some kind of inferiority of women	Microaggressions GB harassment	Talk to the offender they can correct the behavior Warning
3	Offensive	Actions and/or discourse overtly insensitive to genders issues	unjustifiably denying work opportunities and promotions to a woman	Discrimination GB harassment	Warning Training
4	Highly offensive	Discourse or action perpetrated with the intention to humiliate to insult or to exercise one’s power over women specific woman	Referring to a person by offensive epithets; insistently inviting a colleague to have dinner even after many refusals; engaging with unwelcome flirting	Sexual misconduct Sexual harassment Discrimination Stalking	Training Suspension
5	Aggressive and non-physically violent	Rude, hostile or physically intrusive behavior	Suggesting that a person might be punished if they don’t agree to have sex with the appressor, giving unsolicited messages	Sexual misconduct Sexual harassment Psychological abuse stalking	Suspension Dismissal
6	Aggressive and non-physically violent	coercive behavior that employs the use of force	Trying to forcibly kiss someone; grabbing someone’s sexual parts	Rape Attempted rape Sexual harassment	Dismissal



## Monitor the Action Plan

8

### GOAL

To ensure compliance, track progress, prevent recurrence, and promote accountability.

The last step is to track the implementation of the measures that will prevent new cases from happening and will protect the victims from retaliation. Monitoring helps ensure that the action plans developed in response to GBVH cases are implemented effectively and in compliance with relevant policies, laws, and regulations. Additionally, it allows for the tracking of progress in addressing the issues raised in the GBVH cases. Monitoring helps identify whether the actions taken are having the intended impact and whether further adjustments are needed.

To monitor action plans effectively, companies can establish clear metrics and targets for each action item in the plan to measure progress objectively (ex: deadlines for completion, indicators of improved workplace culture, etc.). Companies can also assign responsibilities for monitoring the goal to ensure accountability and facilitate coordination within the company and lastly, companies can establish regular reporting and updates on the status of the action plan, followed by establishing feedback mechanisms for victims of GBVH to provide input on the effectiveness of the action plans.



## *Final Remark*

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The development of a thorough grievance mechanism for addressing Gender-Based Violence and Harassment complaints is an embodiment of the commitment to the well-being and safety of individuals in any environment. Such mechanisms must be approachable, effective, and grounded in fairness and empathy. Ensuring that these processes are victim-centered, maintain confidentiality, and facilitate healing and resolution is paramount. It is through continuous reflection and refinement of these systems that companies can effectively support those affected by GBVH, uphold their rights, and maintain the integrity of our institutions.



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