

Guidelines for Companies and Organizations for Preventing and Responding to Workplace Harassment and Sexual Violence

Prohibiting

Organizations should adopt a clear and robust workplace harassment prevention policy that includes:

- An explanation of prohibited conduct, including examples, which covers behavior which may not be legally actionable "harassment" and covers individuals who may not have legal protections in all jurisdictions but who are at a high risk of being targeted for harassment.
- A description of the complaint process that provides multiple, accessible, and confidential avenues of complaint.
- An assurance that the organization will protect the confidentiality of harassment complaints to the extent possible.
- A complaint process that provides a prompt, thorough, and impartial investigation. Such process should be transparent so all staff know what to expect when they report misconduct.
- A commitment to taking immediate and proportionate corrective action when it is determined that a violation of the harassment policy has occurred.
- A protection against retaliation for reporters, witnesses, and all who provide information and participate in investigations.
- A practice of sharing and discussing the policy with new staff upon onboarding in writing and electronically, posted in all office locations, and distributed regularly.
- An integrated statement or rider in all volunteer agreements, intern and contractor agreements, and client or vendor contracts regarding the expectation for how to behave as part of the organization and when interacting with other staff, including information on how volunteers, interns, clients, or vendors can report misconduct to the campaign.

Training

Organizations should provide workplace harassment prevention training with the following qualities:

- Research-based, in-person or live online, and interactive.
- Customized for the specific type of work environment by confidential and anonymous climate surveys conducted in advance.
- Includes bystander intervention training to empower all participants to intervene as a witness or target of harassment.
- Creates an understanding of the difference between harassment and workplace civility complaints.
- Addresses managers and non-managerial staff both jointly and separately, ensuring that managers are trained in responding effectively to harassment that they observe, that is reported to them, or of which they have knowledge or information, and that

non-managerial staff have an opportunity to freely share relevant information to enhance training efficacy.

- Conducted at least annually for all permanent employees, during onboarding for new employees, and integrated into other employee training as often as practical.

Reporting

Organizations should provide a multi-faceted and confidential workplace harassment reporting process that includes:

- Multiple points of contact: reporting to senior managers, human resources and, when available, third party/external reporting.
- A range of reporting methods not limited to “official” complaints submitted in writing and which permits acting upon anonymous complaints.
- For distributed organizations, geographic and organizational diversity permitting local and headquarters reporting.
- Third party/external reporting ideally facilitated by someone not currently affiliated with the organization and whose role is not explicitly to limit liability.
- Periodic testing and climate surveys to ensure reporting system is working.

Investigating

Organizations should investigate harassment reports according to the following principles:

- Investigation protocols should be transparent so those who report know what the investigative process will entail.
- Investigators should be well-trained, objective, and neutral, especially where investigators are internal company employees.
- Investigations should ideally be conducted by or in coordination with a third party/external investigator with prior training in workplace investigations.
- Investigations should be conducted in a timely and expedited fashion, initiated as quickly as possible after harassment is reported.
- Investigations should protect the privacy of both the harmed party and the responsible party to the greatest extent possible, consistent with legal obligations and conducting a thorough, effective investigation.
- Investigators should document all steps taken from the point of first contact, prepare a written report using guidelines to weigh credibility, and communicate the determination to all relevant parties.
- Investigators should find the factual allegation in a harassment report “credible” if it more-likely-than-not occurred.

Resolving

Organizations should resolve verified harassment complaints in the following manner:

- Where harassment or other misconduct is found to have occurred, the organization will take immediate and proportionate corrective action. Such action should not create a burden on the person(s) harmed by the harassment, such as a reassignment of duties or location that the person did not request.
- The organization will communicate the outcome of the investigation to those individuals requesting a harassment investigation, disclosing whether the allegations were found credible, and if so, whether corrective action was taken.

- Organizations shall not require as a condition of employment nondisclosure agreements relating to harassment or employee misconduct nor require forced arbitration in order to adjudicate matters related to harassment or employee misconduct.
- Organizations should internally track all reporting channels, investigations and their outcome, and all corrective actions taken to ensure that discipline is prompt, consistent and proportionate to the severity of the infraction, without giving or creating the appearance of undue favor to any particular employee.

Funding

Organizations must support a comprehensive workplace harassment and sexual violence prevention strategy with money and time as an essential, non-negotiable part of the organization's allocation of resources.

- The organizational leadership must back up its statement of urgency about preventing harassment with two of the most important commodities in a workplace: money and time.
- Staff must believe that their organization's leadership is authentic in demanding a workplace free of harassment. Nothing speaks to that credibility more than what gets paid for in a budget and what gets scheduled on a calendar.
- Complaint procedures and investigations must be adequately funded in the organization's budget, and sufficient time must be allocated from staff schedules to ensure appropriate execution of the policies is considered a priority.
- Sufficient resources must be allotted to procure training. Trainings must be provided frequently, and sufficient time must be allocated from staff schedules so that all staff can attend these trainings.¹

¹ This resource was adapted from original work done by Works in Progress, PB Work Solutions, and Ultraviolet. Find the original resource at <https://weareultraviolet.org/guidelines>.