

LEGAL UPDATE

Guide published on reports of sexual transgressive behaviour in the workplace

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Government commissioner for sexual transgressive behaviour and sexual violence, Mariëtte Hamer, published last Wednesday 17 May 2023 a guide: '[Guide Reporting Sexually Transgressive Behaviour in the Workplace](#)' (*Handreiking Meldingen van seksueel grensoverschrijdend gedrag op de werkvloer*). This guide, a pilot version, is intended as an aid in dealing with reports that companies can use themselves. It is also part of a broader package to inspire culture change in organisations. Based on the experiences with the pilot version, there will be worked towards a guide 1.0.

What does the guide say about reporting sexual transgressive behaviour in the workplace?

The guide describes the entire process of receiving a report and the steps that follow, including the various interventions and, where appropriate and desired, also conducting an investigation. The guide divides the process into different phases, briefly:

- Phase 0: Be prepared for a notification. The advice is to have a plan of action ready to deal with reports, i.e. thus before a report comes in. In this context, not only a complaints procedure is mentioned, but also, for example, the introduction of a code of conduct and the possibility of establishing a confidential advisor.
- Phase 1: Decide what to do with the report. This involves proper follow-up of the report, for both the reporter and the organisation. The report and context are mapped after which (temporary) interventions are considered and deployed. This may include an investigation, but other interventions (e.g. a conversation or mediation) may be more appropriate.
- Phase 2: Carefully implement the chosen follow-up. This phase involves following up on the report, with consideration for those involved and the environment. The guide provides 'tips and tricks' for various interventions, from a corrective conversation to a (further) investigation into the report (e.g. a culture or reports investigation).
- Phase 3: Learn from the reporting process. Finally, the process is evaluated and care is taken of those involved. Where necessary, policies within the organisation can be tightened.

Proper follow-up to a report on a case-by-case basis

For each phase, the guide provides the necessary tips to help employers deal with or follow up on reports of sexual transgression. However, Mariëtte Hamer emphasises that the right follow-up ultimately needs to be determined on a case-by-case basis (tailor made).

For more information on or support in following up reports within your organisation, please feel free to contact one of our specialists from the Employment & Pensions team.

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