



Subject: WORKPLACE SEXUAL HARASSMENT POLICY (W.S.H.P.)

1.0 INTRODUCTION

This policy provides the official guidelines on identifying and addressing instances of sexual harassment in the civil service workplace. The Public Service Values and Code of Conduct to which the public service shall aspire and which shall govern its management and operation include (among others):

- Adherence to the highest ethical, moral and professional standards at all times;
- Commitment to being an employer that cares, is non-discriminatory, makes employment decisions on the basis of merit and recognises the aims and aspirations of its employees, regardless of gender or physical disabilities; and
- Provision of a safe and healthy working environment.

As an employer, the Cayman Islands Government (CIG) is committed to providing a place of work that is free of sexual harassment. The CIG will investigate allegations and act to stop the harassment, to prevent its recurrence, and to discipline those responsible.

1.1 PURPOSE

The purpose of the policy is to:

- Allow the Cayman Islands Government as an employer to meet its obligations under the Gender Equality Law
- To educate managers and staff about sexual harassment and the internal procedures for identifying, reporting, investigating and addressing workplace sexual harassment;
- Establish a 'zero tolerance' policy for workplace sexual harassment;

2.0 RELEVANT LAWS AND REGULATIONS

The introduction of guidance on sexual harassment is driven by the Cayman Islands Constitution Order (2009) – Bill of Rights, Freedom, and Responsibilities; the Public Service Management Law (2013 Revision); Personnel Regulations (2013 Revision); and the Gender Equality Law, 2011.

3.0 DEFINITIONS

The following definitions are outlined for the purpose of clarity throughout the subsequent policy.

'Appointing Officer' is a person with authority to make personnel decisions as defined in

the section 2(1) of the Public Service Management Law:

“appointing officer” means –

- a) In the case of Judges and Magistrates, Official Members, the Auditor-General, the Complaints Commissioner, the Commissioner of Police, the Deputy Commissioner of Police, the Information Commissioner, the Director of Public Prosecution, the Cabinet Secretary and the Assistant Commissioner of Police, **the Governor**;
- b) In the case of the chief officers of ministries and portfolios, **the Head of the Civil Service**;
- c) In the case of staff of a civil service entity, **the chief officer or the head of department or other manager in the civil service entity with delegated authority from the chief officer to make personnel decisions.**

‘Complainant’ is a person who is pursuing, in accordance with this policy procedure, a complaint of sexual harassment.

‘Exploited consent’ exists when consent to a romantic and/or sexual relationship is given as a function of the position of power one occupies over another within an organization.

‘Grievance handler’ is an HR representative, Appointing Officer or an individual with officially designated authority and responsibility for receiving formal grievances of sexual harassment in the workplace.

‘Gender Equality Tribunal’ is a group, comprised of five members, established under The Gender Equality Law (2011) for the purpose of hearing complaints under the said Law.

‘Hostile environment’ is created when a complainant is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendos, touching, or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work.

‘Quid pro quo’ (*‘this for that’*) is a form of sexual harassment when a manager/supervisor or a person of authority gives or withholds a work-related benefit in exchange for sexual favours. Typically, the harasser requires sexual favours from the complainant, either rewarding or punishing him/her in some way.

‘Respondent’ is an employer or employee who has allegedly sexually harassed another employee in breach of the W.S.H.P.

‘Staff Representative’ is a third party who may assist/accompany a complainant/respondent to provide moral support provided such person is not acting in the capacity of an attorney. A staff representative does not take formal action and is required to maintain strict confidentiality.

4.0 WHAT IS SEXUAL HARASSMENT?

See the Gender Equality Law (2011), Section 7

‘Sexual harassment’ is “unwanted conduct of a sexual nature against an employee by an employer or another employee -

- (a) in the workplace; or*
- (b) in connection with the performance of, or recruitment for work,*

which is threatened or imposed as a condition of employment on the employee or which creates a hostile working environment for the employee, being conduct which has the purpose or effect of violating the dignity of the employee or intimidating, degrading, humiliating, or offending the employee.”*

In determining such an effect, section 7(3) of the Gender Equality Law (2011) states that the following must be taken into account:*

- (a) the perception of the person against whom the sexual harassment is alleged to have been committed;*
- (b) the other circumstances of the case; and*
- (c) whether it is reasonable for the conduct to have that effect.*

Sexual harassment in the workplace is illegal and prohibited. Such behaviour may manifest itself in the form of verbal, non-verbal or physical harassment.

Examples of sexual harassment may include, but are not limited to, the following:

VERBAL SEXUAL HARASSMENT

- Propositions and/or subtle pressure of a sexual nature that are unwelcome;
- Suggestive comments;
- Sexually degrading words to describe an individual;
- Sexually explicit comments, jokes or anecdotes, regardless of the means of communication (oral, written, electronic, etc.);
- Unwelcome inquiries and/or commentaries about sexual conduct, activity, experience, history, fantasies, preferences or orientation;
- Unwelcome, graphic verbal comments about an individual's body;
- Paying unwanted attention to someone;
- Turning work discussions to sexual topics;
- Discussing or spreading rumours about an individual's sex life.

NON-VERBAL SEXUAL HARASSMENT

- The display of inappropriate sexually oriented materials;
- Sexually explicit and/or suggestive gestures with hands or through body movements;
- Unwelcome, offensive sexual flirtation;
- Making facial expressions such as winking, throwing kisses, licking;
- Giving personal gifts of a sexual nature;
- Paying unwanted attention to someone (i.e. – staring, following, blocking a person's path);
- The display, in the workplace, of sexually suggestive, sexually demeaning or pornographic objects, pictures, posters, or cartoons.

The Cayman Islands Government reserves the right to take immediate action in response to complaints where posted material (including material that is transmitted electronically) is threatening and/or creates a hostile environment for individuals.

PHYSICAL SEXUAL HARASSMENT

- Unwanted kissing, touching, patting, hugging, or brushing against a person's body;
- Hanging around or standing close to a person which is not welcomed;
- Touching a person's clothing, hair, or body;
- Touching or rubbing oneself sexually around another person.

QUID PRO QUO SEXUAL HARASSMENT

- A manager advises an employee that permission will be granted to go on a training course in exchange for a sexual favour;
- As a result of an employee rejecting the manager's sexual advances, the manager/supervisor *punishes* the employee by not giving him/her challenging work assignments;
- A manager requires sexual favours in exchange for recruitment and/or promotion.

5.0 WHAT IS NOT CONSIDERED SEXUAL HARASSMENT?**5.1 ADMINISTRATIVE OPERATIONS**

In order to get work done, supervisors may have to make unpopular decisions, such as changing work assignments or moving people. Legitimate management intervention, including performance reviews, counselling, and discipline, may or may not please others but they do not in themselves constitute sexual harassment. However, where it is established that such decisions were taken to sexually harass or victimize someone under this policy, such actions will constitute offending behaviour.

5.2 AMBIGUOUS BEHAVIOUR

There are some behaviours, especially verbal or written communication, which may be viewed as offensive, inappropriate, or crude by some, but do not constitute sexual harassment. Examples include occasional jokes or comments on appearance and discussions of controversial topics. However, they do not necessarily constitute sexual harassment and/or extend to conduct that creates a hostile work environment.

There is a wide range of ambiguous behaviour that might offend or alarm some people but not necessarily others. Examples might include, but are not limited to:

- Polite requests for a date from a peer;
- Comments on clothing or compliments about appearance;
- Non-destructive practical jokes that most people find reasonable.

5.3 CONSENTING RELATIONSHIPS

Consenting romantic/sexual relationships do not necessarily result in sexual harassment. However, such relationships may be more vulnerable to potential sexual harassment (*i.e.* – *quid pro quo*, 'something for something') claims.

6.0 RISK-SENSITIVE RELATIONSHIPS

Any sexual or romantic relationship between individuals may present unique professional challenges, in particular when one person's role may be considered senior to the other's role. These relationships may result in queries about whether there is mutual consent and/or unfair treatment of other employees.

The greater the organizational power differential that exists the greater risk there is for exploitation. It is also important to note that some individuals may be especially vulnerable to exploitive relationships given cultural, language, and immigration/permit/visa issues.

Romantic and/or sexual relationships between individuals in a supervisory, evaluation, advising, coaching, or counselling relationship may constitute a conflict of interest. The person in the position of higher authority has the responsibility to eliminate any conflict(s) of interest. A conflict of interest must be eliminated in a way which minimizes potential for harming the person with lower authority.

In some cases, consensual or allegedly consensual relations may 'go bad'. As such, they may later result in allegations of sexual harassment. If two parties mutually consent to a romantic or sexual involvement, this initial/past consent does not:

- a) remove grounds; or
- b) prevent a charge/later finding of sexual harassment.

There may be cases where past conduct occurred in a situation of exploited consent or resulted in later unwelcome conduct.

7.0 ROLES & RESPONSIBILITIES

Employees may seek to resolve concerns internally either through an informal resolution or formal grievance when they are faced with an incident of sexual harassment. An informal complaint may be directly addressed to the respondent. A formal grievance may be filed with a grievance handler in the respondent's agency, ministry or portfolio. **In no circumstances is a complainant required to address a grievance directly with the respondent.**

7.1 EMPLOYERS' AND MANAGERS' RESPONSIBILITIES

When a grievance handler receives a grievance or otherwise becomes aware of alleged sexual harassment in the workplace from a complainant, respondent or third party, s/he has an obligation to take reasonable steps to investigate and prevent the offensive behaviour.

Chief Officers, Appointing Officers, Managers, Supervisors and Human Resource professionals are required to:

- Express strong disapproval of all forms of workplace sexual harassment; and
- Stop any acts that they see or become aware of that may be considered workplace sexual harassment, and take appropriate steps to intervene¹.

After a formal grievance about sexual harassment is made, a grievance handler is required to:

- Take immediate action to prevent victimization of the complainant or any participant in an investigation;
- Take action to eliminate any hostile (*or potentially hostile*) work environment where there has been a complaint of workplace sexual harassment;
- Protect the confidentiality of all parties to the extent possible under the law; *and*
- Fulfil his/her duty to afford procedural fairness.

¹ This includes, but is not limited to, putting relevant staff on required leave, suspension, transfer, and/or reassignment of duties. *See to Personnel Regulations (2013 Revision) – Sections 33, 38-40 and Schedule 1, Section 8 (2).*

7.1.1 LISTEN TO EMPLOYEES

If something doesn't seem right, a manager/supervisor is encouraged to talk to the employee(s) in question. Managers/supervisors are required to keep any discussions confidential, except as necessary to effectively address an issue.

7.1.2 EMPLOYEES IN DIFFERENT AGENCIES/MINISTRIES/PORTFOLIOS

There are situations that may arise between employees from different agencies, Ministries, or Portfolios who find themselves in a situation which they may deem to be offensive. In such a case, the respondent's grievance handler² has a responsibility to investigate the complainant's allegation³.

7.1.3 FAILURE TO RESPOND/ALLOWING SEXUAL HARASSMENT TO CONTINUE

Grievance handlers who allow workplace sexual harassment to continue by failing to take appropriate corrective action (*as outlined in this policy*) upon becoming aware of the sexual harassment may be subject to disciplinary action.

7.2 EMPLOYEES' RIGHTS AND RESPONSIBILITIES

Every employee has a right to be treated fairly and respectfully in the workplace. The Bill of Rights, Freedoms and Responsibilities contained within the Cayman Islands Constitution Order (2009) affords freedom of expression and freedom from interference with his or her correspondence or other means of communication.

In exercising such a right, all staff have a responsibility to show mutual respect and consideration for the rights, freedoms and reputation of others and for that purpose, their right to freedom of expression may be limited in accordance with section 11 of the Bill of Rights. Humiliation, degradation, and like behaviour could be in breach of this policy and/or in violation of the PSML or other laws of the Cayman Islands.

Employees seeking to file a formal complaint have a responsibility to report incidents of alleged workplace sexual harassment in writing **within forty-five calendar days** of the alleged incident. All individuals are required to be truthful, forthcoming, and cooperative in connection with a complaint investigation. All staff have a responsibility to cooperate⁴ in the investigation of a sexual harassment complaint. Anyone who gives evidence in an investigation, or who is otherwise involved in the process, must keep this information confidential, except as is necessary to deal effectively with the complaint/grievance. Failure to cooperate and provide information regarding an investigation, as required in the WSHP, is a breach of the Public Service Code of Conduct and may result in disciplinary action.

7.2.1 COMPLAINANTS/ RESPONDENTS

If you are the complainant, the individual **alleging** sexual harassment, you have the right:

- To make a complaint and have it dealt with promptly, without fear of embarrassment or reprisal;
- To have a staff representative of your choice accompany you during the process;
- To make sure that no record of the complaint is placed on your personnel file, as long as it was made in good faith;

² The primary investigation will be conducted by the respondent's department/Ministry/Portfolio.

³ The respondent's grievance handler will collaborate with the complainant's grievance handler to gather relevant information, as required.

⁴ Public Service Management Law, Section 5(2) – The Public Servant's Code of Conduct

- To be informed about the progress of your complaint;
- To be informed of the outcome of the investigation;
- To receive fair treatment.

If you are the respondent, the individual **accused** of alleged sexual harassment, you have the right:

- To be informed of the complaint;
- To be given a written statement of the official allegations, and to respond to them;
- To have a staff representative of your choice accompany you during the process;
- To be informed about the progress of the complaint;
- To be informed of the outcome of the investigation;
- To make sure that no record of the complaint is placed on your personnel file if the complaint is unfounded and/or does not result in misconduct;
- To receive fair treatment.

7.3 CONFIDENTIALITY

All information received in connection with the filing, investigation, and resolution of complaints will be treated as confidential except to the extent that it is necessary to disclose particulars in the course of the investigation or when required to do so under the law or an order or legitimate request from a competent authority. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of all involved in the process.

Only those who need to know information in order to accomplish the purposes of the investigation shall be provided with the identity of the parties involved in the complaint. All parties, including the complainant, the respondent, and any witnesses, contacted in the course of an investigation shall be advised of the necessity of confidentiality and that any breach of confidentiality shall be treated as misconduct subject to disciplinary action.

7.4 VICTIMIZATION

See The Gender Equality Law (2011), Section 22

The Cayman Islands Government will not tolerate any form of victimization directed against an employee or any person who makes or may make a complaint or otherwise participates in an investigation concerning sexual harassment, including giving evidence.

Victimization is considered to be a breach of the WSHP and the Gender Equality Law. An employee who retaliates in any way against another individual who has made or may make a complaint about sexual harassment, or given evidence in a sexual harassment investigation, may be considered guilty of misconduct and in contravention to the Gender Equality Law and may be subject to disciplinary action and a fine.

7.5 WHO MAINTAINS RECORDS OF COMPLAINTS?

Complete files of each complaint are archived in the relevant Chief HR Officer's or his/her equivalent, office within each Ministry or Portfolio, as required. This includes a record of each formal grievance against an employee, including the relevant names, the nature of the case, the relevant department, the date of the complaint, progress reports and the outcome.

Files will be managed in accordance with the National Archives and Public Records Law, 2007 and will only be destroyed in accordance with the relevant disposal schedule.

8.0 SEXUAL HARASSMENT COMPLAINT & GRIEVANCE PROCEDURES

This section will outline the procedures for informal complaints and formal grievances; the possible remedies and penalties; and the appeals process.

8.1 INFORMAL RESOLUTION (OPTIONAL STEP⁵)

If an individual alleges that s/he is being sexually harassed, s/he is encouraged to tell the respondent, either verbally or in writing, to stop. The complainant may let him/her/them know that s/he is embarrassed, humiliated, demeaned, or otherwise bothered by the unwanted conduct of a sexual nature. Often, a person may not be aware that his/her behaviour is bothersome, and will change the behaviour once s/he realizes that it is offensive.

An alternative to a face-to-face exchange is a written letter to the respondent or a complainant.

Complainants/respondents are encouraged to make an informal note of any bothersome behaviour, the date that it alleged happened, the details of what happened, how s/he felt, what s/he did about it, and who else was present, if there were witnesses. Complainants/respondents are encouraged to save all correspondence (i.e. – emails, text messages, voice messages, etc.) with the respondent/complainant. Ideally, the sexual harassment will stop but if it continues, a complainant should continue to document it. All documentation will support allegations if there is an investigation.

There are situations where direct communication with the respondent/complainant may not be possible⁶. If one is uncomfortable approaching the respondent/complainant or if the behaviour does not stop, s/he may seek the assistance of her/his supervisor or HR representative (mediation/ facilitated discussion); and the complainant has the option to file a formal grievance.

8.2 FORMAL GRIEVANCE PROCEDURE

See the Personnel Regulations (2013 Revision), Section 51.

Complainants may opt to file a formal grievance if informal resolution is ineffective and/or inappropriate.

8.2.1 FILING A FORMAL GRIEVANCE

A formal grievance must normally⁷ be filed by the complainant **within forty-five calendar days** of the alleged act(s) which form the basis of the complaint to be eligible for

⁵ A complainant who is uncomfortable directly approaching the respondent may opt to forgo any informal resolution and proceed to the 'Formal Grievance Procedure'.

⁶ Examples of situations where it 'may not be possible' include: the respondent/complainant may be the supervisor/employee and one may feel intimidated approaching the other with such a complaint; alternatively, it may be a highly volatile and/or contentious situation in which one party feels threatened by the other.

⁷ There are exceptional cases in which a grievance may be filed internally beyond the forty-five day period but not more than three months after the alleged act(s).

consideration. Grievances outside⁸ the forty-five day period will not be eligible for an internal grievance process but can be referred to the Gender Equality Tribunal (see paragraph 9.3)

Prior to the commencement of a formal grievance procedure, a grievance handler will be assigned to conduct an investigation. The complainant and respondent will have **three business days** to express any objection(s)⁹ they may have regarding the suitability of the chosen grievance handler.

To commence a formal grievance procedure, the grievance handler will need to receive a written grievance signed by the complainant and including:

- The complainant's name and position;
- The respondent's name and position;
- Dates, times, locations, and frequency of the incident(s);
- The names of any witnesses to the incident(s); *and*
- Any evidence related to the incident(s), whether in documentary or other form.

8.2.2 RESPONDENT'S OPPORTUNITY TO REPLY

The grievance handler will provide the respondent with a copy of the formal grievance and any evidence that was received from the complainant. Upon acknowledging receipt of the allegations, the respondent will have the opportunity to reply in writing and submit any supporting evidence within **five business days**.

8.2.3 THE INVESTIGATION

Upon receipt of the respondent's written reply *or* after five business days, an official opening letter will be directed to the respondent's Chief Officer and carbon copied to the Head of the Civil Service and Chief Officer - Portfolio of the Civil Service. The grievance will be formally investigated by the grievance handler. S/he will collect relevant evidence and investigate the complaint thoroughly by interviewing the complainant, the respondent, and any witnesses. All employees have a responsibility to cooperate in the investigation.

The grievance handler will ensure that the complainant and respondent understand this policy and any options that are available. A grievance handler is obligated to take steps to see that allegations of sexual harassment are properly investigated and that any proven acts of sexual harassment are immediately ceased and appropriately punished. In rare circumstances, a grievance handler may need to act upon a complaint without the complainant's permission.

8.2.4 PROGRESS REPORTS

The grievance handler will provide his/her Chief Officer with progress reports on the investigation. If the grievance handler is the Chief Officer or the Head of the Civil Service, s/he will provide the Head of the Civil Service or the Governor, respectively, with progress reports. Progress reports will be communicated every **ten business days**.

8.2.5 TIMEFRAME FOR FORMAL GRIEVANCE PROCEDURE

⁸ The most recent alleged act must fall within forty-five calendar days; but if the acts are alleged to have taken place on an on-going basis (and beyond the forty-five days), the investigation may include such related actions.

⁹ The purpose of doing so is to preclude any suggestions of bias (actual or perceived); and to remove any possible conflict of interest which could otherwise compromise the integrity of an investigation.

Once a formal grievance is filed, the grievance handler will endeavour to complete the investigation within **30 calendar days** from the initial filing to conclude the investigation. In exceptional circumstances, including but not limited to situations which require extensive investigation and/or the gathering of further evidence, a maximum of **two 30-day extensions** may be granted by the Chief Officer. At any point during an investigation, the complainant may file ¹⁰his/her complaint with the Gender Equality Tribunal¹¹.

8.2.6 DECISION

The grievance handler will determine whether, on a balance of probabilities, there is enough evidence to conclude that sexual harassment occurred and identify options for resolving the situation, where applicable. If sexual harassment has occurred, the grievance handler will decide in consultation with his/her appointing officer, one or more course(s) of action.

The decision of an investigation may be categorised as:

- a) **Findings of sexual harassment ranging in severity from minor to gross misconduct.** *Please see the Personnel Regulations (2013 Revision), Sections 38-40, 42;*
- b) **The complaint is unsubstantiated.** Findings reveal that there is insufficient evidence to prove whether or not sexual harassment occurred;
- c) **The complaint is unfounded.** The alleged conduct occurred (and was offensive to the complainant) but did not constitute sexual harassment under this policy; *or*
- d) **The complaint was made in bad faith and/or was a false allegation.** *(see paragraph 8.3)*

The complainant and the respondent shall be advised of the findings of the grievance investigation. The grievance handler will inform the complainant and the respondent, respectively, of any disciplinary action, remedies, and changes in the work environment within five business days after the grievance handler has completed the investigation and made a decision. Corrective action and remedies will be instituted within five business days of those involved being informed of the decision.

8.3 FALSE ALLEGATIONS/ COMPLAINTS MADE IN BAD FAITH

See Public Service Management Law (2013 Revision), Section 5(2)(a),(e) and (f)

Complaints made in bad faith are those where the complainant knows that the allegations are false and unfounded. It is a breach of this policy for anyone to knowingly or with reckless disregard for the truth make false, frivolous, and/or vexatious allegations of sexual harassment. As a result, disciplinary action may be imposed on individuals who do so.

An unfounded or unsubstantiated complaint is not equivalent to a false allegation or a complaint made in bad faith.

8.4 SUPPORT AND REMEDIES FOR THE COMPLAINANT

A complainant has resources available to him/her for support, as required. Professionals (i.e. an Employment Assistance Programme (E.A.P.) counsellor) are available through the

¹⁰ Should the complainant file her/his case with the G.E.T., s/he is required to formally notify the grievance handler about the filing with G.E.T.

¹¹ The internal CIG procedure may yield to the jurisdiction of the G.E.T. or the CIG may elect to complete its investigation. Please note that a multiplicity of parallel proceedings is not intended via this policy.

Cayman Islands Government benefits programme.

As the employer, the Cayman Islands Government will make every reasonable effort to remedy the effects of sexual harassment. A person who has been sexually harassed may receive either or both of the following remedies:

- An oral or written apology from the respondent;
- Remediation for any proven victimization (i.e. – inappropriate transfers; loss of promotion; unfounded performance reviews).

No record of the complaint, investigation or decision will go in the complainant's personnel file, if the complaint was made in good faith.

8.5 CORRECTIVE ACTION FOR THE RESPONDENT

See the Personnel Regulations (2013 Revision), Sections 33, 38, 39, 42.

Upon conclusion of an internal investigation, a respondent who is found to be responsible for sexually harassing another person will be subject to one or more of the following forms of discipline, depending on the severity of the sexual harassment and as it may be appropriate:

- A written reprimand;
- A suspension;
- A transfer, if it is not reasonable for the employees involved to continue working together;
- Dismissal.

In most cases, the respondent may also be required to:

- a) Provide the complainant with a written apology, where this is appropriate;
- b) Attend counselling through E.A.P. or another approved counselling programme.

If the complaint is unfounded or unsubstantiated, there will be no documentation concerning the complaint placed in the respondent's personnel file. If the investigation reveals that sexual harassment occurred, a summary of the incident and the corrective action that is imposed on the respondent will be recorded in his/her file.

8.5.1 SUPPORT AND REMEDIES FOR THE FALSELY ACCUSED RESPONDENT

A respondent who is proven to be falsely accused or accused in bad faith may receive, as a remedy, an oral and/or written apology from the complainant.

A falsely accused respondent has resources available to him/her for support, as required. Professionals (i.e. an Employment Assistance Programme (E.A.P.) counsellor) are available through the Cayman Islands Government benefits programme.

9.0 APPEAL AND ALTERNATIVE COURSES OF ACTION

See The Gender Equality Law (2011), Section 33 and the Public Service Management Law (2013 Revision), Section 54

Disciplinary action(s) and HR decisions resulting from a sexual harassment investigation may be appealed¹² internally. Complainants and respondents also have the right to pursue an alternative course of action.

9.1 APPEALS¹³

If a complainant or respondent is not satisfied with the decision or outcome of the formal grievance procedure, s/he may refer to the Personnel Regulations section 51(1). If the decision of the complainant/respondent's supervisor does not satisfactorily resolve the grievance, the staff member concerned may then appeal to his/her appointing officer (*where the appointing officer is not also the staff member's immediate supervisor*). Finally, if the staff member concerned is still unsatisfied with the resolution, s/he may then appeal to his/her Chief Officer.

If the immediate supervisor, appointing officer, or Chief Officer was the subject of the complaint or involved in the formal grievance procedure, the appeal may be filed with the appointing officer, Chief Officer, or Head of the Civil Service/Deputy Governor (*or his delegate*) respectively.

9.2 CIVIL SERVICE APPEALS COMMISSION (CSAC)

A respondent who is subject to disciplinary action due to misconduct under this policy may appeal that personnel decision to the CSAC **within thirty calendar days** of receiving it.

Additionally, under the PSML, a complainant may appeal any personnel decision (i.e. transfer, appointment, disciplinary action) that s/he believes constitutes sexual harassment or victimization. This appeal may be pursued separately from a formal grievance or other resolution under this policy.

For more information on the CSAC, please visit www.csac.gov.ky.

9.3 GENDER EQUALITY TRIBUNAL (GET)

A complainant may file a sexual harassment complaint with the GET after or instead of pursuing a formal grievance under this policy. Under the Gender Equality Law, complaints should be made within six months of the alleged act(s), but the GET may accept submissions after that time if the reason(s) for the delay is/are reasonable and acceptable. For more information on the GET, please visit www.genderequality.gov.ky

10.0 FURTHER INFORMATION

For further information on this policy, please contact the Portfolio of the Civil Service.

Gloria McField-Nixon
Chief Officer, Portfolio of the Civil Service
Cayman Islands Government

¹² Any appeal and/or alternative course of action for a grievance raising sexual harassment issues where an investigation is pending, should be deferred until conclusion of the investigation. Once a finding is made, then the appeal/alternative course of action can be filed, if necessary. **Concurrent investigations are not encouraged.**

¹³ The person handling the appeal may do so in a manner they deem appropriate in the circumstances. This includes but is not limited to reviewing the case to ensure soundness and compliance (with the WSHP) without the obligation to relaunch a full investigation.