

Abstract

Anonymous Reporting Centers for Sexual Harassment and Gender Discrimination in the Workplace: Analysis of Operational Performance and Measures for Improvement

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The objectives of this study are the following. First, by analyzing cases received and processed at the anonymous reporting center of the Ministry of Employment and Labor, we analyzed the actual conditions of sexual harassment and gender discrimination, and derived policy implications.

Second, we analyzed the results of the cases that were received and handled within businesses and the Employment and Labor

Ministry, checked the results of sexual harassment and gender discrimination at the anonymous reporting center, and suggested points that need improvement.

Unlike reporting centers set up in other ministries, the anonymous reporting center has a strong point in that it is able to order corrective action and labor inspectors who are judicial police officers to investigate and supervise. In addition, compared with the existing reporting windows inside the Ministry of Employment and Labor, such as petitions or labor inspection, the anonymous reporting center has the following strong points: i) Even anonymous reports are subject to investigation by labor inspectors. ii) Job sites that were reported are also selected for the next year's inspection for labor equality and are subject to labor inspection. iii) A difference is that it guides the person who reported support through measures such as consulting to improve organizational culture and monitoring for secondary offenses. In addition, through the existing petition procedures, only the number of applications on incidents that were reported, and the status of their processing, was recorded and managed as statistics. iv) The cases reported at the anonymous reporting center differ in that the department in charge manages the statistics on the detailed types of cases and the detailed results of measures taken, whether or not psychological healing support was applied for, etc., and it announces the results of the statistical analysis of these cases.¹⁾ The characteristics of i–iii are applied based on content provided in the handling guidelines for anonymous incident reporting.

Limitations were confirmed in the following four aspects that were

1) In 2019, the Ministry of Employment and Labor released its analysis results of incidents it received over 1 year, starting from March 8, 2018.

evaluated: the anonymous reporting center's main distinct characteristic of active administrative leadership and supervision, investigation of anonymous reports and third-party reports, strengthening follow-up and monitoring, and compulsory corrective measures. The very first thing that has to be pointed out is the operation of the system dedicated to labor inspection as a mere formality. With the exception of the Seoul Metropolitan Government, the places where personnel were deployed to deal exclusively with sexual harassment and gender discrimination cases could not be confirmed. In addition, it is also necessary to consider measures to put the basis for active administrative leadership and inspection of reports of sexual harassment and gender discrimination incidents into the Gender Equality Act or regulations on the official duties of the office of labor inspection. It is specifically mentioned that the role of the "inspector exclusively for labor" includes "leading compliance with the Equal Employment Act."

Finally, even in cases where it is difficult to rule that the reported sexual harassment and gender discrimination reports were a violation of the law, it is necessary to organize and share cases that were inspected and various administrative guidance that can be carried out by labor inspectors. Through this, we will be able to proactively vitalize preventive administrative guidance and contribute to improving organizational culture with regard to sexually harassing speech and behavior.

Research areas: Employment Discrimination Law, Gender Violence

Keyword: Workplace Sexual Harassment, Labour Inspection,

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