

# GAIA principles: Case studies of good practice

**Principle 9. Businesses provide remedy of GBVH and hold perpetrators accountable.** They take a victim and survivor centred approach and use fair disciplinary procedures with perpetrators.

*All victims and survivors have the right to remedy. Remediation of GBVH should aim to restore the victim or survivor to a position in which they had been had the harm (GBVH) not happened. This may not be possible in the case of serious GBVH but should always be an aim and based on a victim or survivor centred approach.*

*Remediation also includes accountability and prevention, reassuring victims and survivors that the harm is acknowledged and should never be repeated.*

Businesses may lack the knowledge and experience to confidently handle GBVH. Expertise in victim and survivor centric approaches originate in anti-violence and women's rights movements, and advocacy and support services frequently delivered by women-led civil society organisations at a community level.

As a result of their work to practically supporting survivors, such as addressing survivor needs and access to justice as part of remedy, the Wangu Kanja Foundation (WKF) recognised the gap in capacity employers (private and public) may have in safeguarding and drafted written guidance and a training to fill this.

A victim and survivor centred approach is rooted in the safety, needs and wishes of victims and survivors. WKF's guidance begins with a summary of victim and survivors' expectations and then systematically explains the key components of policies and procedures, from developing a sexual harassment policy, conducting investigations and remediation, including disciplinary actions, restorative measures, and preventative and institutional reform measures.

WKF structures its guidance with reference to legal decisions. For instance, WKF uses examples of Kenyan court rulings to elaborate guidance for employers on ensuring confidentiality in reporting whilst maintaining a fair investigation and disciplinary process. It also clarifies the burden of proof to lie with the alleged perpetrator and not the victim or survivor once a credible report has been made – this does not require the victim or survivor to prove beyond a reasonable doubt that GBVH has taken place.

WFK distils a “Judicially endorsed employer checklist/best-practice remediation benchmark” for employers (businesses). It sets out key elements of “Communication, Closure, and Remedial Outcomes” as:

- i) **Communication of outcomes:** *Outcomes must be communicated to the complainant and the accused in an appropriate and timely manner.*
- ii) **Dignity-restorative closure:** *Closure must respect the dignity of all parties, avoid re-traumatisation, and uphold fairness.*
- iii) **Outcomes that deter recurrence:** *Sanctions and remedies must be sufficient to deter future misconduct and reinforce institutional standards.*

And “Preventive and Institutional Reform” as:

- i) **Preventive institutional reform:** *The employer must implement corrective and preventive measures arising from the case, including policy reform, training, and structural safeguards.*
- ii) **Continuous improvement of safeguarding systems:** *Lessons learned must be integrated into institutional risk-management and safeguarding frameworks.*

By combining its expertise in supporting victims and survivors of gender-based violence and harassment with legal review and analysis of judicial pronouncements from various levels of Kenyan courts, WKF demonstrates the role subject matter experts and civil society organisations can play in supporting businesses to fulfil their responsibilities to workers, an approach that is replicable in other contexts.

Excerpt from the “Judicially endorsed employer checklist/best-practice remediation benchmark” reproduced with permission from the [Wangu Kanja Foundation](#).