

Minimum standards for complaints mechanisms to be established by employers under the Gender Equality Act (Law No. 18/2016)

Unofficial Translation

The Gender Equality Act (Law No. 18/2016) was ratified and published in the Maldives government gazette on 23rd August 2016 and came into force in February 2017. The “Minimum standards for complaints mechanisms to be established by employers under the Gender Equality Act (Law No. 18/2016)” was published on the Maldives government gazette by the Ministry of Gender and Family on 12th June 2017.

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| Introduction and name | <ol style="list-style-type: none">1. <ol style="list-style-type: none">(a) This guideline is developed and published, as required under Section 42 (i) of the Gender Equality Act, to stipulate the minimum standards for the complaints mechanisms to be established by all employers as per Section 20 of the Gender Equality Act (Law No. 18/2016).(b) This guideline is called the “Minimum standards for complaints mechanisms to be established by employers under the Gender Equality Act (Law No. 18/2016)”. |
| Minimum standards for complaints mechanisms | <ol style="list-style-type: none">2. Section 20 (f) of the Gender Equality Act mandates employers to establish complaints mechanisms. These complaints mechanisms must fulfil the following conditions.<ol style="list-style-type: none">(a) Stipulate that complaints related to issues stated under Section 20 of the Gender Equality Act can be filed through the complaints mechanism. Details of issues where complaints can be filed are provided in Annex 1.(b) Disseminate the procedure for filing complaints with employees. A template for complaints form is provided in Annex 2.(c) Share with employees how complaints will be investigated and the duration to be spent on. Based on the proportion of employees, form a committee comprised of members of both sexes or, if the workplace has few employees, assign a staff member or multiple staff members to investigate complaints filed under the Gender Equality Act. Stipulate the procedural guidelines for the complaints committee or the staff assigned to investigate complaints.(d) Stipulate that if a member of the complaints committee or a staff assigned to investigate complaints is a respondent of a complaint, he/she must recuse himself/herself from the case.(e) As stipulated in the law, investigations of complaints must be completed within 30 days, and if the decision by the institution is not satisfactory, stipulate that complainants have the right to appeal the case at the Employment Tribunal within 90 days.(f) Stipulate that when registering and investigating complaints, confidentiality must be maintained and, where confidentiality is breached within the institution’s complaints mechanism, ensure disciplinary actions as per the administrative regulations within the workplace. |

	(g) Ensure that subjecting complainants to violence and victimisation for having made a complaint is prohibited, and that anyone found to have perpetrated such an act is penalised.
Providing information to the Ministry of Gender and Family	3. (a) Employers must provide information on the complaints mechanism established in their workplace in writing to the Ministry of Gender and Family within 3 (three) months of these minimum standards coming into force. (b) An annual report comprising statistics of complaints filed and completed cases within the year must be submitted to the Ministry of Gender and Family every year, by 31 January of the following year. A template for this annual report is provided in Annex 3.
Definition	4. “Employers” is defined as stipulated under Section 89 under Law No. 2/2008 (Employment Act).
Enforcement	5. This guideline will come into force from the date of its publication on the government gazette.

Annex 1

Complaints to be investigated by the complaints mechanism established under the Gender Equality Act

- Not providing equal opportunity to men and women in employment, training and advancement of position.
- Not providing equal wages to men and women who perform the same responsibilities at the same place of employment.
- Not providing equal wages, overtime compensation, benefits and allowances to men and women at the same place of employment, with work adequately equal in value and weight.
- Restricting employment opportunities offered or advertised to a particular gender, except in circumstances the work is required to be undertaken by a particular gender.
- Not designing announcements and advertisements for work that is likely to attract more men than women in a manner that will invite women and not exclude them.
- Not taking all possible steps to eliminate obstructions to employment of women and to create conducive work environments for women.
- Directly or indirectly discriminating against anyone based on gender, per Section 7 of the Gender Equality Act.
- Systemic discrimination as a result of an unjust system, per Section 8 of the Gender Equality Act.
- Discrimination based on circumstance, per Section 9 of the Gender Equality Act

Annex 2

Template Form for Complaints under the Gender Equality Act

Details of complainant:

Name:	NID card number:
Position:	Office:
Permanent address:	Contact number:
Present address:	Email address:

Details of complaint respondent:

Name:	
Position:	
Office:	
Contact number:	
Email address:	

Type of complaint:

1	Not providing equal opportunity to men and women in the employment, training and advancement of position.	
2	Not providing equal wages to men and women who perform the same responsibilities at the same place of employment.	
3	Not providing equal wages, overtime compensation, benefits and allowances to men and women at the same place of employment, with work adequately equal in value and weight.	
4	Restricting employment opportunities offered or advertised to a particular gender, except in circumstances the work is required to be undertaken by a particular gender.	
5	Not designing announcements and advertisements for work that is likely to attract more men than women in a manner that will invite women and not exclude them.	
6	Not taking all possible steps to eliminate obstructions to employment of women and to create conducive work environments for women.	
7	Directly or indirectly discriminating against anyone based on gender, per Section 7 of the Gender Equality Act.	
8	Systemic discrimination as a result of an unjust system, per Section 8 of the Gender Equality Act.	
9	Discrimination based on circumstance, per Section 9 of the Gender Equality Act.	

Details of complaint:

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Details of documents submitted with form, if any:

Name:	Signature:	Date:
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Only for office use	
Name of staff:	Signature:
Date:	Time:

Note:

- After completing this form, submit the form in an enclosed envelope with ‘Confidential’ on it, addressed to “Committee to investigate complaints under the Gender Equality Act”. If submitting via email, state Confidential in the email subject, and submit it to the complaints committee’s email address. Receipt of the form must be acknowledged in writing within 3 working days.
- If the form has any incomplete sections, it will be invalidated.

Annex 3

(Institution's letterhead)

Annual Report on Complaints Received and Investigated Under Gender Equality Act

This report provides details of complaints received under the Gender Equality Act from 1st January until 31st December of the preceding year.

Name of institution:

The mechanism to investigate complaints under the Gender Equality Act is assigned to:

A committee		Individual staff member		Multiple staff members	
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Details of committee/staff assigned to investigate complaints under Gender Equality Act:

Name	Position/title	Department/agency

Details of complaints and cases received:

Type of complaint		Number of complaints received		Action taken following receipt of complaint
		Female	Male	
1	Not providing equal opportunity to men and women in the employment, training and advancement of position.			
2	Not providing equal wages to men and women who perform the same responsibilities at the same place of employment.			
3	men and women at the same place of employment, with work adequately equal in value and weight.			
4	Restricting employment opportunities offered or advertised to a particular gender, except in circumstances the work is required to be undertaken by a particular gender.			
5	Not designing announcements and advertisements for work that is likely to attract more men than women in a manner that will invite women and not exclude them.			
6	Not taking all possible steps to eliminate obstructions to employment of women and to			

	create conducive work environments for women.			
7	Directly or indirectly discriminating against anyone based on gender, per Section 7 of the Gender Equality Act.			
8	Systemic discrimination as a result of an unjust system, per Section 8 of the Gender Equality Act.			
9	Discrimination based on circumstance, per Section 9 of the Gender Equality Act.			

The information provided in this report is valid and accurate.

Name:

Position/title:

Signature:

Date:

[Office stamp]

Note: This report must be prepared under the respective office's letterhead.