

# SEOUL METROPOLITAN GOVERNMENT RULE ON PREVENTION OF SEXUAL HARASSMENT/SEXUAL VIOLENCE AND SECONDARY DAMAGE

Enactment No. null, Apr. 06, 2021  
Partial Amendment No. null, Oct. 28, 2021  
Amendment of Other Laws No. null, Jan. 13, 2022  
Amendment of Other Laws No. null, Aug. 19, 2022  
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## Article 1 (Purpose)

The purpose of this Rule is to prevent sexual harassment and sexual violence and determine necessary matters to prevent secondary damage in accordance with Article 31 of Framework Act on Gender Equality, Article 20 of the Enforcement Decree of the same Act, Article 5 of Sexual Violence Prevention And Victims Protection Act and Article 2 of the Enforcement Decree of the same Act, Article 18 of Framework Act on Prevention of Violence Against Women, Article 14 of Equal Employment Opportunity and Work-Family Balance Assistance Act and Seoul Metropolitan Government Framework Ordinance on Gender Equality. <Amended on Oct. 28, 2021>

## Article 2 (Scope of Application)

(1) This Rule shall apply to members of the Seoul Metropolitan Government and affiliated institutions (including those who have an employment relationship with the Mayor of Seoul or the head of an affiliated institution. However, separate guidelines apply to firefighters), including cases where a person who is recognized as being within the control of the Seoul Metropolitan Government and affiliated institutions or who has a business relationship is a victim of sexual harassment, sexual violence, and secondary damage.

(2) Victim protection in this Rule also applies to victims, reporters, helpers, and agents (hereinafter referred to as "victims, etc.").

## Article 3 (Definitions)

The terms used in this Rule are defined as follows: <Amended on Oct 28, 2021>

1. The term "sexual harassment" refers to an act under subparagraph 2 of Article 3 of the Framework Act on Gender Equality;
2. The term "sexual violence" refers to an act recognized as a crime under Article 2 (1) of the Act on Special Cases Concerning the Punishment of Sexual Crimes;
3. The term "secondary damage" refers to any of the following damages suffered by victims of sexual harassment and sexual violence under of subparagraph 3 of Article 3 of the Framework Act on Prevention of Violence Against Women;
  - a. Mental, physical, and economic damage suffered in the entire process of handling and recovering from sexual harassment and sexual assault cases, such as investigation, trial, protection, medical treatment, and media coverage.
  - b. Damage caused by bullying, assault or abusive language, or other acts that cause mental or physical harm (including damage caused by using information and communications networks);
  - c. Any of the following disadvantageous measures suffered for reporting or investigating sexual harassment and sexual violence.
    - 1) Expulsion, impeachment, firing and other disadvantageous measures corresponding to loss of status;
    - 2) Disciplinary measures such as salary reduction, suspension, and demotion, restriction on promotion, and other unfair personnel measures;
    - 3) Transference, transferal, reassignment of duties, non-assignment of duties, and other personnel measure against one's will;
    - 4) Discrimination in performance evaluation or colleague evaluation, etc., and discrimination in payment of wages or bonuses, etc.;
    - 5) Cancellation of self-development opportunities such as education or training, restriction or elimination of available resources such as budget or manpower, suspension of use of security information or confidential information or cancellation of qualification for handling, and other discrimination or measures that negatively affect working conditions, etc.;
    - 6) Creating a list of persons subject to attention or disclosing the list, bullying, assault or abusive language, or other acts that cause mental or physical harm;
    - 7) Unreasonable audit or investigation of duties or disclosure of the results thereof;
    - 8) Other disadvantageous measures against the will of the victim.

## Article 4 (Duties of the Mayor)

(1) The Mayor of Seoul Metropolitan City (hereinafter referred to as the "Mayor") has the responsibility to devise and implement various measures in each of the following subparagraphs to prevent sexual harassment and sexual violence, and shall appropriately and promptly take necessary measures in the event of sexual harassment or violence:

1. Implementation of preventive education for sexual harassment and sexual violence and secondary damage;
2. Establishment and operation of sexual harassment/sexual violence grievance counseling center (including secondary damage);
3. Preparation of grievance handling procedures and manuals for sexual harassment and sexual violence, and notification of handling procedures (including secondary damage);

4. Protection of victims of sexual harassment and sexual violence, prevention of secondary damage, and actions in case of secondary damage;
5. Preparation of sanctions, such as disciplinary action, against those who cause sexual harassment, sexual violence, and secondary damage;
6. Commitment to eradication of sexual harassment and sexual violence and declaration of zero tolerance for perpetrators;
7. Promotion of prevention of sexual harassment and sexual violence for affiliated members;
8. Participation in sexual harassment and sexual violence prevention education and securing related budget
9. Efforts to establish a gender-equal organizational culture, etc.;

(2) The Mayor shall establish an annual promotion plan for measures to prevent sexual harassment and sexual violence in order to implement measures under paragraph 1.

(3) If it is judged that an external expert, etc., who is not a member, has committed an act that causes secondary harm to the victim in the course of investigating and reviewing a sexual harassment and sexual violence case, the Mayor shall immediately exclude such person from work related to investigation or grievance review.

#### **Article 5 (Duties of Superiors)**

(1) When recognizing the occurrence of sexual harassment and sexual violence, people with a higher rank and position than the victim who can influence the victim's work and working conditions (hereinafter referred to as "superior") shall faithfully guide the victim in the grievance handling procedure for sexual harassment and sexual violence and secondary damage.

(2) Superiors shall make efforts to protect victims until the grievance process is completed so that secondary damage does not occur to victims.

(3) Superiors shall actively cooperate with the following measures, such as the institution's secondary damage grievance handling procedure and preventive education for victim protection:

1. Measures to protect victims in the grievance handling process;
2. Measures to prevent members from causing secondary damage to victims;
3. Listening to victims' grievances and taking measures to resolve grievances.

(4) After the end of grievance handling, superiors shall observe whether there is any secondary damage to the victim and make efforts to prevent secondary damage to prevent secondary damage by members.

#### **Article 6 (Duties of Members)**

Members (including the perpetrator) shall not engage in acts that cause secondary damage in any of the following subparagraphs in relation to sexual harassment and sexual violence in the workplace:

1. Concealing or minimizing the incident;
2. Withdrawing an application for grievance handling against the will of the victim or urging or forcing an agreement with the perpetrator of sexual harassment or sexual violence;
3. Conveying the contents related to the victim's grievances or the victim's personal information and reputation to others (Including acts using information and communication networks);
4. Blaming the victim or shifting the blame to the victim;
5. Advocating or defending perpetrators of sexual harassment and sexual violence;
6. Mentioning the fact of damage to the victim and trying to confirm the fact of damage from the victim without a justifiable reason;
7. Spreading malicious rumors about victims and helpers;
8. Other acts corresponding thereto.

#### **Article 7 (Preventive Education)**

(1) The Mayor and the head of the affiliated institution shall annually establish and implement a detailed implementation plan regarding the time, content, and method of education to prevent sexual harassment, sexual violence, and secondary damage.

(2) Education for preventing sexual harassment, sexual violence, and secondary damage shall be conducted in various ways, such as expert lectures, audio-visual education, and online education, for at least one hour each year, and face-to-face training shall be conducted at least once unless there is a special reason, and the contents of each of the following subparagraphs shall be included: <Amended on Jan. 13, 2022 >

1. Laws and guidelines related to sexual harassment and sexual violence and secondary damage;
2. Handling procedures and action standards in case of sexual harassment and sexual violence and secondary damage;
3. Grievance counseling, relief procedures, and protective measures for victims of sexual harassment and sexual violence and secondary damage;
4. Sanctions such as disciplinary action against those who engage in sexual harassment and sexual violence and secondary damage;
5. Prevention of sexual harassment and sexual violence by civil petitioners and customers, etc., and countermeasures in case of occurrence;
6. Other matters concerning the prevention of sexual harassment and sexual violence and secondary damage.

- (3) For newly appointed persons, education shall be conducted within two months from the date of appointment.
- (4) In order to increase the effectiveness of education to prevent sexual harassment and sexual violence, the Mayor shall conduct separate education for managers, and disclose the status of education completion of public officials of grade 3 or higher every year.
- (5) If sexual harassment and sexual violence prevention education has been conducted, the results of education, such as the date and method of education, the list of participants in education, and the contents of education, shall be recorded and managed.
- (6) The Mayor shall always post the contents of sexual harassment and sexual violence prevention education on a place or internet site where members can freely read, or widely publicize it to members.

#### **Article 8 (Grievance Counseling Center)**

- (1) In order to handle work to prevent sexual harassment and sexual violence, receive grievances related to sexual harassment and sexual violence of members, and handle counseling, the Mayor shall establish a 'sexual harassment/sexual violence grievance counseling center' (hereinafter referred to as 'grievance counseling center') in accordance with Article 21 (3) of the Seoul Metropolitan Government Framework Ordinance on Gender Equality for each city office, direct agency and office.
- (2) In order to handle the affairs of the grievance counseling center, two or more sexual harassment and sexual violence grievance counselors (hereinafter referred to as 'grievance counselors') shall be designated, but at least one male and one female shall be included.
- (3) The duties of the grievance counseling center are as follows: <Amended on Jan. 13, 2022>
  1. Counseling on damage from sexual harassment and sexual violence (including secondary damage);
  2. Receipt, investigation and handling of grievances regarding sexual harassment and sexual violence cases (including secondary damage);
  3. Matters concerning cooperation and coordination between departments related to the handling of sexual harassment and sexual violence cases;
  4. Matters concerning the establishment and implementation of measures to prevent the recurrence of sexual harassment and sexual violence;
  5. Matters concerning the preparation of grievance procedures and manuals for sexual harassment and sexual violence and secondary damage;
  6. Other sexual harassment and sexual violence prevention tasks, such as education and publicity for the prevention of sexual harassment and sexual violence and secondary damage;
- (4) In the grievance counseling center, grievance counseling and case registration ledgers in Form No. 4, and procedures and manual for dealing with sexual harassment and sexual violence grievances shall be prepared and kept. However, it can be replaced with online bulletin boards and postings.

#### **Article 8-2 (Cyber Reporting Center)**

- (1) The Mayor shall install and operate a cyber reporting center within the institution for the convenience in reporting damages of sexual harassment and sexual violence.
- (2) The Mayor shall actively inform members of the organization about the operation of the cyber reporting center so that they can be aware of it.

#### **Article 9 (Support for Grievance Handling)**

- (1) In order to strengthen the grievance counselor's capacity for counseling and grievance handling regarding sexual harassment and sexual violence, the Mayor and the head of the affiliated institution shall actively support their participation in training by external specialized institutions.
- (2) Newly designated grievance counselors shall complete professional training on sexual harassment counseling and grievance handling within 3 months from the date of designation.
- (3) The Mayor and the head of the affiliated institution shall protect and support grievance counselors so that they can act fairly and independently when handling grievances.
- (4) The Mayor may appoint external experts to support the work of the grievance counseling center in paragraph 3 of Article.
- (5) In order to enhance the public confidence and professionalism of sexual harassment and sexual violence counseling, the Mayor may entrust the work of the grievance counseling center under Article 8 and the cyber reporting center under Article 8-2 to an external specialized agency.

#### **Article 10 (Grievance Counseling)**

- (1) Members who want counseling regarding sexual harassment and sexual violence may apply for counseling at the grievance counseling center in writing, by phone, online or in person.
- (2) When receiving an application for counseling, a grievance counselor shall respond to it without delay and explain in detail the grievance handling procedure, including secondary damage, to the victim so that the victim can fully understand and utilize the grievance handling procedure within the institution.
- (3) If the Mayor is identified as a perpetrator of sexual harassment and sexual violence, the head of the Office of Gender Equality and Family Policy shall notify 'the sexual harassment and sexual violence reporting center in the public sector workplace' of

Ministry of Gender Equality and Family immediately after recognizing the case.

### **Article 11 (Investigation)**

(1) Victims (including victims' representatives) or third parties who wish to investigate sexual harassment and sexual violence and secondary damage grievances shall submit an application for investigation of sexual harassment and sexual violence in Form No. 1 in writing or online. and the civil rights investigator and the civil rights protection officer shall receive the application without delay in accordance with the classification of each of the following subparagraphs. However, even if there is no request for investigation of sexual harassment and sexual violence, the civil rights investigator may conduct an investigation ex officio if the content is recognized as serious, such as in the case of hierarchies within the organization. <Amended on Oct. 28 2021, Aug. 18, 2022 >

1. Civil Rights Investigator (Gender Equality Officer): If both the perpetrator and the victim are public officials belonging to the Seoul Metropolitan Government, public officials, or other support personnel directly hired by the headquarters and business offices of Seoul Metropolitan Government.

2. Civil Rights Protection Officer (Human Rights Officer): Cases except for subparagraph 1.

(2) The civil rights investigator shall conduct an investigation promptly from the date of receipt of the application under paragraph 1, and shall complete the investigation within 20 days. However, in special circumstances, the investigation period can be extended within the range of 10 days.

(3) If receiving secondary damage case during the investigation process, the civil rights investigator can combine the investigation on sexual harassment and sexual violence and the investigation on secondary damage.

(4) The civil rights investigator may conduct a secondary damage investigation separately if the secondary damage investigation requested by the victim is caused by a third party other than the perpetrator of sexual harassment and sexual violence under investigation.

(5) The civil rights investigator or case investigator shall ensure that the victim's character or honor is not damaged or private secrets are not violated during the investigation process under paragraph 2 and shall not engage in acts that cause secondary damage as prescribed in the following subparagraphs:

1. Blaming or intimidating the victim;
2. Mentioning the victim's responsibility without a justifiable reason;
3. Doubting the victim's intent to file grievances without a justifiable reason;
4. Not acknowledging the victim's damage or treating it as trivial without a justifiable reason;
5. Inappropriate questioning of the victim's past words and actions without a justifiable reason;
6. Advocating or defending the perpetrator of sexual harassment and sexual violence without a justifiable reason;
7. Having the perpetrator of sexual harassment and sexual violence be with the victim against the will of the victim;
8. Conciliating witnesses and interfering with statements from the victim's point of view;
9. Unofficially commenting on the case without a justifiable reason;
10. Other acts corresponding thereto.

(6) If necessary for a fair and professional investigation, the civil rights investigator may involve an external expert in the investigation process or consult with an external expert. <This paragraph Newly Inserted on Oct 28, 2021>

(7) If there is a victim's request during the investigation, the civil rights investigator shall allow a trusted person to be present, except in unavoidable cases that may interfere with the investigation. <Amended on Oct. 28 2021>

(8) For matters under investigation under paragraph 1, the investigation may be stopped if the victim wants investigation or handling by another agency in accordance with the law or explicitly opposes the investigation of the case. <Amended on Oct. 28, 2021>

(9) The civil rights investigator shall inform the victim of the progress of the case investigation in writing, online, or by phone. <Amended on Oct. 28, 2021>

(10) The methods and procedures for conducting investigations by the civil rights protection officer shall be in accordance with Article 22 of the Seoul Metropolitan Government Framework Ordinance on Human Rights and the Enforcement Rules of the same Ordinance. <Amended on Oct. 18, 2021>

(11) In the case of sexual harassment and sexual violence cases between Seoul Metropolitan Government officials reported to an external investigative agency, an internal investigation can also be conducted at the request of the victim. <Amended on Oct. 28, 2021>

(12) Other necessary matters for the deliberation of the investigation, etc. shall be determined separately by the Mayor. <Amended on Oct. 28, 2021, Jan 13, 2022>

### **Article 12 (Victim Protection and Confidentiality)**

(1) The Mayor and the head of an affiliated institution shall not treat victims, etc. unfavorably under any of Item c of Article 3 (3) for reasons such as counseling on grievances, application for investigation, cooperation, etc.

(2) The Mayor shall take appropriate measures, such as separation of work space from the perpetrator and leave, in consideration of the victim's intention to prevent secondary damage and protect the victim's labor rights, etc. However, since these measures are provisional measures, if the perpetrator's sexual harassment and sexual violence/secondary abuse is not acknowledged as a result

of the investigation, the measures imposed on the perpetrator shall be reversed at the perpetrator's request. <Amended on Oct. 28, 2021>

(3) The Mayor shall support victim treatment and protection and legal services if requested by victims, etc., and if requested by the department to which the victim or perpetrator belongs, the Mayor shall conduct secondary damage prevention education for members of the department.

(4) Grievance counselors, civil rights investigators, etc. who become aware of the content related to sexual harassment and sexual violence grievances in the course of their duties shall not divulge the identity of the person involved or the contents thereof, except when necessary for the investigation and handling of the matter. However, it is not a violation of the obligation to maintain confidentiality if the audit or human resources department becomes aware of the relevant matters in the course of their duties and informs the civil rights investigator.

(5) If the victim requests that the victim's personal information be anonymized in the documents containing the victim's personal information, such as the case register, investigation application form, and grievance counseling log, the Mayor shall ensure that the information is anonymized in accordance with paragraph 7 of Article 3 of Personal Information Protection Act. <This paragraph Newly Inserted on Oct. 28, 2021>

(6) The Mayor shall ensure that personal information collected in relation to this Rule is collected, used, provided and destroyed in accordance with the Personal Information Protection Act. <This paragraph Newly Inserted on October 28, 2021>

### **Article 13 (Notification and Disclosure of Results of Investigation)**

(1) The Mayor shall notify the perpetrator and victim of sexual harassment and sexual violence (hereinafter referred to as "the parties") of the case investigation results without delay in writing in accordance with Form 5. <Amended on Jan. 12, 2023>

(2) The Mayor may disclose the result of case handling and the result of measures such as disciplinary actions against the perpetrator to the extent that the perpetrator and victim are not identified with the consent of the victim.

### **Article 14 (Discipline)**

(1) For sexual harassment and sexual violence that are recognized as falling under the grounds set forth in the law, the Mayor shall ensure that sanctions procedure, such as disciplinary actions, are carried out under the principle of zero tolerance for the perpetrators unless there is a special reason.

(2) The Mayor shall give the victim an opportunity to state his or her opinion in the sanctions procedure, such as disciplinary action under paragraph 1.

(3) If sexual harassment and sexual violence cases are concealed or additional damage is caused to the victim as a disadvantageous measure under Article 3 (3) Item c, the relevant person may be subject to disciplinary action equivalent to that of the perpetrator, and the related person may be held accountable for additional damage caused by appropriate measures under Article 12, paragraph 2 or failure to maintain confidentiality under Article 12, paragraph 4.

(4) The Mayor shall not allow the resignation of a member if it is judged that the sexual harassment and sexual violence under investigation is a matter requiring severe punishment.

(5) The Mayor shall consider fairness with similar violations when making corrections, such as disciplinary actions, in proceeding with procedures such as disciplinary actions under paragraph 1. <This paragraph Newly Inserted on Oct. 28, 2021>

(6) The Mayor shall consider the following matters when proceeding with disciplinary procedures under paragraph 1: <This paragraph Newly Inserted on Oct. 28, 2021>

1. Motivation, purpose and method of the act;
2. Consequences of the act;
3. Number of acts.

### **Article 15 (Measures to Prevent Recurrence)**

(1) In order to prevent the recurrence of sexual harassment and sexual violence, the Mayor shall establish and implement measures to prevent recurrence, including details to prevent secondary damage in the event of an incident.

(2) Measures to prevent recurrence include matters concerning the progress of case handling and the results of measures, measures to prevent sexual harassment and sexual violence and improvement of preventive education, matters concerning prevention of secondary damage such as prohibition of disadvantageous measures and protective measures for victims, and other matters necessary to prevent the recurrence of sexual harassment and sexual violence cases within the institution. <This paragraph Newly Inserted on Jan. 12, 2023>

(3) The Mayor, if deemed necessary to prevent the recurrence of sexual harassment and sexual violence, may implement transference for segregation, personnel management using a computer system, special sexual harassment and sexual violence prevention education for organizations and departments where incidents occurred and investigation into the reality or perception of sexual harassment and sexual violence or operate a meeting body to collect employee opinions to create a gender equality organizational culture. <Amended on Jan. 12, 2023>

(4) The Mayor shall ensure that perpetrator of the sexual harassment and sexual violence receive awareness-raising education to prevent recurrence. <This paragraph Newly Inserted on Jan 12, 2023>

(5) The Mayor shall notify the parties in writing or online after completing the case handling under paragraph 1 and 3 of Article 14 and paragraph 1 through 4 of Article 15. <Amended on Jan. 12, 2023>

**Article 16 (Other Matters)**

Other matters necessary for the enforcement of the Rule shall be determined separately by the Mayor.

**ADDENDUM <Ordinance No. 4527, Jan. 12, 2023>**

This Rule shall enter into force on the date of its promulgation.