

In the Know....

TUC Reports on Sexual Harassment



New research from the TUC indicates that over 50% of women have experienced sexual harassment at work. Here, we take a closer look at the recent study.

“Still Just A Bit Of Banter?”

The TUC survey, undertaken in conjunction with Everyday Sexism Project, reports that:

52% of women have been sexually harassed at work

28% of women have been the subject of comments of a sexual nature

23% of women have experienced unwanted touching

12% of women have experienced unwanted sexual touching at work

The Law

Employers should be aware that sexual harassment can take more than one form within the workplace. Anti-discrimination laws protect workers against unwanted conduct of a sexual nature and unwanted conduct due to the person's sex or gender where this has the purpose or effect of violating someone's dignity or creating an intimidating, degrading, humiliating or hostile environment. This covers numerous acts which can take place at work including jokes or 'banter' about a person's sex life or unwanted touching through to requiring sexual favours to achieve a promotion. Importantly, what constitutes harassment depends on the outlook of the person complaining so a remark which may be found funny by one person could constitute sexual harassment by another.

Employers Can Be Liable

Employers will be vicariously liable for any acts of sexual harassment by their employees during the course of their employment, including any events which extend the working day such as work parties or outings. Therefore, employers should take all reasonable steps to prevent harassment from

occurring. An important first step is to introduce and enforce an anti-harassment policy. The policy should contain both the process to follow if employees believe they have suffered a form of sexual harassment and the potential outcomes of a finding that this has taken place. The harasser can be disciplined under the normal disciplinary procedure and it will be important to include this as a clause within the policy. Additionally, employers should carry out equal opportunities training with all managers and staff. This should cover what constitutes sexual harassment, how to avoid it, how to report it and, importantly for managers, how to deal with a complaint of harassment from an employee.

Dealing with Complaints

Employers should create a culture where employees feel they can make complaints about sexual harassment and that these will be taken seriously by managers. An effective way to do this is to highlight a nominated person in an anti-harassment policy to make complaints to. Being subjected to sexual harassment will usually be an embarrassing and sensitive issue for employees and any uncertainty about who they should bring this matter to will only encourage them not to speak up.

Not dealing with a complaint appropriately could lead to a judgment that the harassment has been facilitated and institutionalised within the workplace. Any harassment claims should be fully investigated and evidence, such as witness statements, should be sought in a timely manner before a decision over whether harassment occurred can be made. In circumstances of serious harassment, suspension of the alleged harasser should be considered.

The content of this briefing is correct at the time of publishing.

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