

EQUALITY, EDUCATION & DEVELOPMENT DEPARTMENT



SPEAK UP, SPEAK OUT, – BREAK THE SILENCE: *A SEXUAL HARASSMENT TOOLKIT FOR MEMBERS*

USEFUL CONTACTS

UNIONLINE Free Helpline for CWU members

Tel: 0300 333 0303

CWU Bullying & Harassment Helpline

Tel: FREEPHONE 0800 090 2303

Equality, Education & Development Department

CWU HQ, 150 The Broadway, Wimbledon, London, SW19 1RX

Tel: 0208 971 7340

Email: equality&education@cwu.org

FOREWORD

The CWU is committed to promoting equality in all areas of life and recognise sexual harassment in the workplace is illegal. As a union we aim to actively prevent and tackle sexual harassment by creating working environments that supports and empowers members to report incidences of unwanted sexual behaviours.

The CWU acknowledges legislation against sexual harassment in the workplace has been enshrined in UK law for decades. In recent years, legal and regulatory frameworks have emphasised the importance of preventing and addressing workplace harassment. Despite such laws emerging TUC research and movements such as #Metoo have made it abundantly clear that this unacceptable behaviour and its harmful effects continues in our workplaces and in wider society, indicating the law alone cannot fix this problem and that it will require the participation of all to eradicate sexual harassment.

The “Speak Up, Speak Out: Break the silence” CWU sexual harassment toolkit has been created to help members and branches identify what sexual harassment is, its impacts and effects and what legal protections are in place to protect workers against workplace sexual harassment so

that members can make informed choices about recording and reporting incidences of sexual harassment and understand what support is available. sexual harassment.

This toolkit is for CWU members and includes:

- **CWU Guidance booklet for members** – providing useful information to help members recognise sexual harassment, make informed choices about reporting incidences of sexual harassment and understanding what support is available.
- **CWU sexual harassment log form** – a useful recording tool for CWU members to log incidences of sexual harassment.
- **CWU “request to stop” informal letter** – a template letter for members who wish to take an informal approach. The aim of this letter is to stop first incidences of sexual harassment and sexist behaviour quickly.

We hope you find this toolkit useful

INTRODUCTION

Sexual discrimination, including sexual harassment is a major issue. High profile claims of sexual harassment reported in the media, together with movements such as #Metoo, demonstrate how widespread and frequent sexual assault and harassment is, especially in the workplace.

The CWU believe sexual harassment is unethical, unprofessional and undermines the CWU rule to actively opposing all forms of discrimination (rule 2.1.4).

This guide has been designed to help members recognise sexual harassment, make informed choices about reporting incidences of sexual harassment and to understand what support is available.

We hope members find it useful.

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any unwanted behaviour of a sexual nature that is offensive or makes you feel uncomfortable, humiliated, distressed, degraded or intimidated. It creates a hostile and offensive environment. Even if it isn't directed at you and was unintentional, something that makes you feel this way is still sexual harassment.

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment can relate to a range of different behaviours. It may be verbal or physical, it can be a one-off incident or an ongoing pattern of behaviour and it can happen in person or in other ways.

Examples of Sexual Harassment can include:

- *Unwelcome touching, hugging, massaging or kissing*
- *Verbal remarks of a sexual nature (including jokes) directed towards you or in your presence.*
- *Intrusive questions about a person's private or sex life or a person discussing their own sex life.*
- *Spreading sexual rumours about a person.*
- *Gestures of a sexual nature, including lustful staring at you or part of your body*
- *Unwelcomed messages of a sexual nature sent to your email, direct messaging or social media*

- *Displays of pornographic images, drawings or objects in the workplace, including calendars, desktop screens and posters.*
- *Stalking*
- *Sexual Coercion – where a person promises or hints at advancements or benefits in return for a sexual favour or threatens adverse consequences if you do not respond favourably.*
- *Persistent and unwanted invitations of a sexual nature*
- *Sexual assault or rape*

While the actual nature of sexual harassment may vary, the common factor is that the harassment involves unwelcome behaviour of a sexual nature.

WHO CAN EXPERIENCE SEXUAL HARASSMENT

Sexual harassment can happen to anyone, regardless of gender identity, sexual orientation, disability, ethnicity or age.

According to research carried out by the TUC, over 50% of women and 4% of men in the workplace have experienced some form of sexual harassment at work.

Nearly two thirds of women aged 18-24 have encountered this type of behaviour. Women with disabilities, those from black and ethnic backgrounds and

LGBT+ communities, including women in low paid insecure employment, are disproportionality more likely to experience sexual harassment in the workplace.

WHEN AND WHERE SEXUAL HARASSMENT CAN OCCUR

Sexual harassment doesn't have to take place within the actual workplace for it to be a work-related issue.

Sexual harassment can occur:

- *in your workplace or other premises used by your employer*
- *while working from home or remote working*
- *on a work visit*
- *when you are in another location for work reasons (e.g. at another office)*
- *at a work-related social event (e.g. at a Christmas party or away day)*
- *travelling to or from work*
- *by phone or text message*
- *online, by email, on social media or on a virtual meeting.*

HOW DO I KNOW IF I AM BEING SEXUAL HARASSED?

There can be a lot of 'banter' within the workplace and some may see their behaviour as a bit of fun with no ill-intent of offending anyone.

When it comes to identifying sexual harassment in the workplace, either directly or indirectly, think about the behaviour or comments that were made and focus on how they made you feel.

If the sexual behaviour or comments made you feel uncomfortable, humiliated, distressed, degraded or intimidated then it is likely you have experienced sexual harassment.

THE LAW ON SEXUAL HARASSMENT

In the UK, some regulations are in place to protect workers from harassment of all forms, including that of a sexual nature.

The Equality Act 2010 protects employees against unlawful harassment, bullying and discrimination whilst at work. The Act makes the employer responsible for removing sexual harassment from their company.

Nine protected characteristics are outlined in the Act. They are:

- 1. Age*
- 2. Disability*
- 3. Gender reassignment*
- 4. Marriage and civil partnership*
- 5. Pregnancy and maternity*
- 6. Race*
- 7. Religion or belief*
- 8. Sex*
- 9. Sexual orientation*

Employers also have a responsibility under the Health and Safety at Work etc. Act 1974 to ensure, so far as it reasonably practicable, the health, safety and welfare of their workers when at work, which includes protection from sexual harassment at work.

The Management of Health and Safety Regulations also require employers to assess the nature and scale of workplace risks to health and safety, ensure there are proper control measures in place to avoid these risks wherever possible and reduce them so far as is reasonably practicable where not.

WHEN IS SEXUAL HARASSMENT CRIMINAL?

Some forms of sexual harassment automatically break criminal law and are therefore crimes. These include:

- *stalking*
- *indecent exposure*
- *'upskirting'*
- *any sexual harassment involving physical contact (this amounts to sexual assault in English and Welsh law)*

Other forms of sexual harassment might also break criminal law, depending on the situation.

If sexual harassment escalates into violence, threats or sexual assault, members can report this to the police.

WHAT TO DO IF YOU ARE BEING SEXUALLY HARASSED

If you are being sexually harassed, you do not have to put up with it. It can be easy to think the problem lies with you – it doesn't.

Do not be afraid to speak up. You may find that other people have suffered the same treatment. Speak to your CWU union rep in the first instance or contact the CWU's bullying and harassment helpline on FREEPHONE 0800 090 2303. The helpline is open Mon-Fri 9am-5pm.

If you feel safe and confident enough to do so, you may wish to deal with sexual harassment informally. In which case you should inform the harasser to stop. You may want to do this with your CWU rep or with a friend or in writing. Members can use the CWU Template Harassment Letter to assist with making an informal written request for behaviours to stop. If this is not an option or you wish to make a formal report, speak to your local CWU branch who will be able to offer advice and support (where necessary).

The CWU recommend that victims of workplace sexual harassment keep a record of any instances that occur. For example, recording the time, date, location, a detailed description of what happened, what was said, how it made the victim feel, including a note of any witnesses who may have heard or seen the sexual misconduct. It is also useful to record any actions you may have taken to address the problem, for example raising it with a manager and the responses and actions taken afterward.

This information will prove useful for making formal reports and legal claims. Members can use the CWU Sexual Harassment Log Form to keep a record of the harassment they face.

WHAT TO DO IF YOU ARE A WITNESS TO SEXUAL HARASSMENT

If you are in a situation where you have witnessed sexual harassment, there are things you can do. If you feel safe and comfortable you can:

- *Tell the harasser that you object to their behaviour and ask that it stop.*
- *Talk to the person experiencing harassment, to make them aware that you have witnessed the incident.*
- *Seek advice and support from your local CWU branch or speak to the CWU's bullying and harassment helpline*
- *Report the incident.*
- *make a sexual harassment report yourself because what you've seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you.*

Your actions will depend on the situation and the people involved. It's a good idea to make a note of what's happened. This should include dates, time and names, including any other witnesses. Members can use the CWU Sexual Harassment Log Form to keep a record of any harassment they may have witnessed.

WILL I BE TREATED LESS FAVOURABLY IF I REPORT SEXUAL HARASSMENT IN THE WORKPLACE?

Employers are not allowed to victimise a worker for reporting about sex discrimination or sexual harassment at work. If a worker is victimised for reporting sexual harassment, this may constitute unlawful victimisation under the Equality Act 2010.

FURTHER HELP AND SUPPORT

Members requiring further support following experiences of sexual harassment, sexual assault or rape can contact:

- **Samaritans**
www.samaritans.org/how-we-can-help/contact-samaritan
- **LGBT Foundation**
<https://lgbt.foundation/how-we-can-help-you>
- **GALOP (LGBT+ sexual violence support)**
<http://www.galop.org.uk>
- **Rape Crisis England and Wales**
<https://rapecrisis.org.uk>
- **Rape Crisis Scotland**
<https://www.rapecrisisscotland.org.uk>
- **Rape Crisis Northern Ireland**
<https://rapecrisisni.org.uk>

TEMPLATE: HARASSMENT LETTER

This template letter can be used by members who wish to take an informal approach. The aim of the letter is to stop first instances of sexual or sexist behaviour quickly without the need to use formal procedures. If the behaviour continues, the letter may also be used in evidence in any formal reporting of sexual harassment.

Members are advised to keep records of any further incidences of harassment. The CWU Sexual Harassment Log Form has been designed to help members with this process. A copy of the CWU Sexual Harassment Log Form can be found in the CWU sexual harassment pack.

[Date]

Dear [Colleague]

I am writing to ask that you stop [e.g. touching me, staring at me in a sexual way, making verbal remarks of a sexual nature, sending me messages of a sexual nature, sending me pornographic images, following me or promising me things in return for a sexual favour]. I find this behaviour inappropriate and [e.g. offensive; undignified; intimidating; hostile; degrading; humiliating] and it is having a detrimental effect on me and my working situation.

On [date] at [time] you [e.g. told the 'joke', etc] and I [said that I found the comment offensive, etc]. On [date] at [time] you [made a similar comment, etc].

I feel [uncomfortable, bullied, offended, etc] when you [put your arm around me, etc] and I feel aggrieved that you have continued to do so even after I have made it clear to you that I find your behaviour [offensive, etc].

If you stop [e.g. using 'sexist' language] I will not take this matter any further. If you continue with this or similar behaviour I will have no choice but to take the matter up formally.

If you have any comments to make to me about this letter, please do not approach me when I am alone. I would be prepared to attend an informal meeting with [e.g. CWU representative].

I hope that we can resolve this matter quickly without damaging our professional relationship.¹

Yours sincerely
[Member]

cc CWU representative

1. NEU, 2023, It's not okay toolkit

CWU SEXUAL HARASSMENT LOG FORM

Keeping a record of the sexual harassment you face is important and helpful. By writing down what happened, you can make sure that you do not forget any details or important dates if you choose to report sexual harassment to your employer or make a criminal report with the police.

One way to document what happened to you is to keep a journal that includes all the important information, including the dates, times, places, and any details of any incidents, like if there were any witnesses. This CWU Sexual Harassment Log Form can be used as a tool for CWU members to use to document this information.

<i>Date:</i>	
<i>Time:</i>	
<i>Where did the harassment occur?</i>	
<i>Who was the harasser(s)?</i>	
<i>What happened? E.g. offensive conversations or remarks, sexual contact, looks or touching, sexual incident in the workplace. Give as much detail as possible (Use a separate sheet if needed)</i>	

<p><i>Were there any witnesses? If so, who?</i></p>	
<p><i>Is there any supporting evidence? E.g, Emails, text messages, recordings etc, if so, what?</i></p>	
<p><i>What did you say and/or do following the incident? (use a separate sheet of paper if needed)</i></p>	



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