

CWU EQUALITY WORKPLACE MEMBERSHIP BRIEFING

SEXUAL HARASSMENT

KEY MESSAGES

- 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.
- According to TUC Research:
 - **1 in every 2 women 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 disproportionately more likely to experience sexual harassment in the workplace.
 - More worryingly, **4 out of 5 women do not report sexual harassment**, in fear that they will be reprimanded or victimised
 - In the UK every year more than 70,000 (4%) men are sexually abused or assaulted.

The CWU's position:

The CWU believes:

- Sexual harassment is unacceptable, undermines the dignity of an individual, is morally wrong, unlawful and has a detrimental impact on individuals.
- Sexual harassment is unethical, unprofessional and undermines the CWU rules of:
 - Actively opposing all forms of discrimination (rule 2.1.4)
 - Treating union staff, officials, and members with respect and dignity. (rule 4.2.1)

Therefore the CWU has a vital role to play in creating workplaces or work situations that are free from sexual harassment.

What is sexual harassment?

Sexual harassment can relate to a range of different behaviours. It may be verbal or physical. It may take place in the workplace, online, by telephone or text, or at a work event such as a training course or a party. While the actual nature of the incident may vary, the common factor is that the incident involves unwelcome behaviour of a sexual nature.

Sexual harassment is unlawful and is covered under the Equality Act 2010 (UK) and the Sex Discrimination (Northern Ireland) Order 1976 As Amended (NI).

The Equality Act 2010 defines sexual harassment as:

“Unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, whether the perpetrator intended this or not”

IT DOES NOT MATTER HOW LONG YOU HAVE WORKED FOR THE BUSINESS OR WHETHER YOU ARE A PERMANENT EMPLOYEE OR AN AGENCY WORKER, YOU ARE STILL PROTECTED BY THIS LEGISLATION.

What types of behaviour could constitute sexual harassment?

Unwanted conduct of a sexual nature covers a range of different behaviours.

Some examples of behaviours that could constitute sexual harassment include:

- sexual comments or jokes
- the display or circulation of pornography
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- requests or demands for sexual favours
- sexual gestures
- intrusive questions about a person’s private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages,
- Sexual assault including unwelcome touching, hugging, massaging or kissing.

Such behaviours do not need to be sexual motivated, only sexual in nature.

Often perpetrators of sexual harassment will argue that their behaviour is ‘just a bit of banter’ or harmless flirting that didn’t intend to cause offence. But this is not a defence if it has had a negative effect on someone.

Sexual harassment does not always have to be specifically directed or targeted at an individual. For example, displaying pornography or directing sexual comments at one person, may have a negative impact on other workers, creating a degrading, intimidating or hostile work environment.

It is also harassment to treat someone less favourably because they have rejected unwanted sexual conduct or made a complaint of sexual harassment.

CWU EQUALITY WORKPLACE MEMBERSHIP BRIEFING

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-Friday 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 you're the harasser to stop. You may want to do this with your CWU rep or with a friend or in writing.

If this is not an option or you wish to make a formal report, speak to your CWU union rep or branch women's officer who will be able to offer advice on the employer's policies and procedures and provide 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 Sexual Harassment Log Form to keep a record of the harassment they face.

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

Supporting Materials

- TUC Protection from sexual harassment for women booklet available here for download: <https://www.tuc.org.uk/resource/protection-sexual-harassment-women>
- CWU Bullying and Harassment helpline posters.
- CWU Sexual harassment in the Workplace: Frequent Questions and Answers -Handout Sheet.
- CWU Sexual Harassment Log Form

Some Suggested Activities

- Ask members why they think sexual harassment is under reported.
- Ask members opinions on the culture within the workplace
- Share the CWU Sexual Harassment log Form & CWU Sexual Harassment Frequent Questions and Answers handout.
- Display CWU Bullying and Harassment helpline posters on CWU notice boards.
- Offer and provide a safe spaces at suitable times for members to come and talk about their concerns or to raise any incidences of sexual harassment in confidence.