

CWU SEXUAL HARASSMENT IN THE WORKPLACE: FREQUENT QUESTIONS AND ANSWERS HANDOUT SHEET



Q: I had an intimate relationship with a co-worker but broke it off. If that co-worker sexually harasses me, can I still bring a claim for sexual harassment?

A: A sexual harassment claim is based on unwelcome conduct. If you have made it clear to your co-worker that you have no further romantic interest in him or her, any ongoing, unwelcome sexual attention that is severe or pervasive could be the basis for a sexual harassment claim. You must proactively make it very clear to your co-worker that the attention is unwelcome. If you do, your prior relationship will not excuse his or her harassment.

Q: Can my manager retaliate against me for making a sexual harassment report or being a witness to sexual harassment?

A: No. Under the Equality Act 2010 it is unlawful for employers to treat employees less favourably or to retaliate against employees who report incidences of sexual harassment or who make a report on the grounds of sexual harassment. Employees are also protected from retaliation or less favourable treatment for being a witness in another employee's sexual harassment report.

Q: Can I still make a sexual harassment report if the incident occurred a long time ago?

A: If you make a report of sexual harassment a long time after an incident took place, your employer should still take it seriously. However in some cases where a lot of time has gone by, there may be limits. For example, if the person who's been accused of sexual harassment no longer works for the company or evidence has been destroyed a long time ago because it was thought it was no longer needed. Some employers have a bullying and harassment procedures or a separate standalone sexual harassment procedures which have timescales for reports. Such policies can be obtained via your line manager or HR. Speak to your CWU rep who will be able to assist, advise and support you through this process.

Q: Is sexual harassment only men harassing women?

A: No, No matter who is harassing whom, it can be sexual harassment. Sexual harassment is verbal or physical abuse that amounts to discrimination against a person because of their sex. Sexual harassment can occur between two people of the opposite sex and between two people of the same sex.

Q: Is sexual harassment a criminal matter?

A: Some forms of sexual harassment automatically break criminal law, therefore the harasser's actions may be a crime. If the sexual harassment consisted of sexual exposure, sexual assault, rape, stalking, threats or another crime, the harasser may face criminal penalties.

Criminal reports/investigations to the police should not deter individuals from making sexual harassment reports at work. It is still unwanted sexual conduct and employers should deal with sexual harassment reports whether or not someone has made a report to the police.

Disclaimer: This guidance is for information purposes only. It does not constitute legal advice.