



A workplace guide to
dealing with
**sexual
harassment**



est
s re
s document: <https://library.prospect.org.uk/id/2018/02223>
[/library.prospect.org.uk/id/2018/02223/2023-01-19](https://library.prospect.org.uk/id/2018/02223/2023-01-19)

Contents

Test your knowledge	3
Introduction	4
1. What is sexual harassment?	6
2. Origins and consequences of sexual harassment	8
3. Who is subjected to sexual harassment?	10
4. What you should do if you are sexually harassed	11
5. Addressing sexual harassment in the workplace	12
6. What you should do if you are accused of sexual harassment	15
7. The law on sexual harassment at work	16
8. Action points	20
9. Further information	22



Who are Prospect and BECTU?

Prospect is a trade union representing more than 142,000 working people across the UK in roles as diverse as (but not limited to) air traffic controllers, scientists, engineers, civil servants and digital experts. Our organisation also incorporates BECTU – the sector of our union that supports people working in broadcasting, cinema, theatre and entertainment.

We are experts in employment law, workplace practice and industry policy. We have supported thousands of members who have faced bullying or harassment in the workplace, and have won many court cases on behalf of members. This guide is intended for members and representatives of both Prospect and BECTU. If you are not a member of Prospect or BECTU, we recommend joining us at www.prospect.org.uk/join or www.bectu.org.uk/join. Please don't wait until you are faced with an issue such as harassment to join us, as we can only provide legal support to members who joined prior to any specific workplace problem.

Test your knowledge

Question 1 – What are the most common types of sexual harassment?

- Unwanted sexual advances (physical or verbal “come-ons”)
- Sexual coercion (bribes or threats contingent on sexual behaviour)
- Sexist hostility (eg: sexist “jokes” or exclusion from work activities)
- Crude behaviour (eg: foul language or display of pornography)
- All of the above

see page
6

Question 2 – What are the main antecedents of sexual harassment?

- Too few women in the workplace
- A few bad apples spoiling the barrel
- Misunderstandings between men and women
- Permissiveness towards sexual harassment
- Vulnerable employment
- All of the above

see page
8

Question 3 – Who is subjected to sexual harassment?

- Women
- Young people
- Black and minority ethnic women
- Anyone
- All of the above

see page
10

Question 4 – What are the best ways to address sexual harassment?

- Sexual harassment training
- Punishments for perpetrators
- Respectful workplace training
- Screening workers for perpetrator behaviours
- All of the above

see page
12

Introduction

‘Our mission is to ensure workspaces for Prospect and BECTU members are beacons of fairness and dignity. A core aim in that respect is to eradicate any form of sexual harassment. Employers should share that aim and we want to work with those willing to achieve it. Where members experience harassment we will be their advocate by protecting them and making sure their voice is heard. Sexual harassment is intolerable and must be challenged accordingly.’

– Mike Clancy, Prospect general secretary

Recent high-profile sexual harassment scandals and the #MeToo movement have changed how we talk about sexual harassment. The problem is not new – what’s different is that more people feel able to speak up about their experiences.

We welcome this new openness as an opportunity for employers, trade unions and staff to work together to stop sexual harassment and support victims.

Workplace sexual harassment is extremely common but largely unreported and employers should not be complacent about a lack of reports. Anyone who employs or contracts workers should assume that sexual harassment may be happening, clearly state what constitutes unacceptable behaviour in the workplace and aim to build trust so that victims feel able to report it.

Sexual harassment is a component of cultural sexism. Our union advocates a holistic approach to preventing sexual harassment by tackling all workplace sexism.

Sexual harassment has indisputable consequences for its victims but also damages workplace cultures and productivity. Employers have legal and moral duties of care to the individuals who work for them. They also need to consider the implications of sexual harassment for their business and reputation.

Respect and equality are at the heart of what we do as a union. We:

- do not tolerate harassment of any kind
- are keen to work collaboratively and proactively with employers to eradicate sexual harassment
- will challenge employers who fail to protect our members’ safety, dignity and well-being.



If you have been sexually harassed

It is not your fault. It's not about anything you did, or what you might have done differently. The responsibility lies with your harasser.

You are not on your own. We can guide you through the options available to you and support you whether or not you decide to take action.

To find out what your options are and get personal advice, contact us to speak to someone in the strictest confidence. Members should contact:

- Your Prospect or BECTU local workplace representative (if you have one).
- Prospect – our Member Contact Centre. We have legally trained advisers available between 8am and 7pm, Monday to Friday on 0300 600 1878. You can also email our advisers on helpdesk@prospect.org.uk, or visit our website to use the web chat facility.
- BECTU – call BECTU's head office on 020 7346 0900 between 9am and 5pm, Monday to Friday, or speak directly to your full-time official if you have their contact details.

'It's clear to us that there have been too many excuses, for too long. That's why we're working with major organisations like BFI, BAFTA, PACT and now SOLT and UK Theatres to agree on an approach that ensures bullying and harassment will not be tolerated in the creative industries. Core principles have been established, and we're now talking to employers and working with our branches to ensure those principles take centre stage in every workplace. We've one clear message in our industry: Time's Up.'

– Gerry Morrissey, head of the BECTU sector of Prospect

1: What is sexual harassment?

Sexual harassment is unwanted conduct related to sex, or of a sexual nature, that has the purpose or effect of violating the other's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment

Sexual harassment can take many forms, including:

- verbal abuse, sexist "jokes", innuendo, patronising or inappropriate remarks
- comments on a person's body or appearance
- unwanted physical contact, physical threats or assault
- leering, lewd gestures, pestering or spying
- circulation or display of pornography
- bullying, isolation, non-cooperation or exclusion from social activities.

Sexual harassment is not always intentional – it can be defined by its effect on the victim. All workplace behaviour should take account of people's diverse values, cultures and experiences. Nobody should be intimidated, degraded or made to feel unwelcome at work because of someone else's idea of "banter".

What are the most common types of sexual harassment?

Studies have categorised sexual harassment, in simple terms, as:

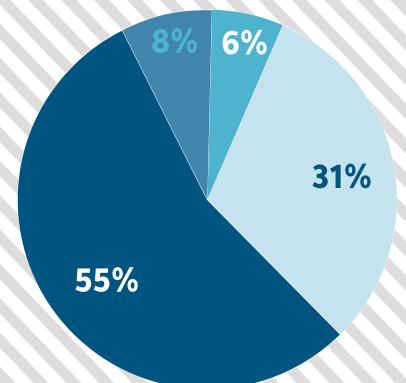
Come-ons – unwanted sexual advances or sexual coercion

Put-downs – sexist hostility

Hybrid – come-ons used as a tool of sexist hostility

Data source: Lim and Cortina, 2005

■ **Come-ons**
■ **Put-downs**
■ **Hybrid**
■ **All three**



Sexual harassment is often considered largely in terms of “come-ons”. However, most sexual harassment involves sexist put-downs, with or without unwanted sexual advances¹.

“Sexism, racism and other forms of ‘banter’ are so rife amongst men inside the film industry I fear it would lead to work being withheld from me if I was to speak up or report it. I do try to not work with crews that are more likely to display such behaviour, but it can’t be helped sometimes”
 – *BECTU member*

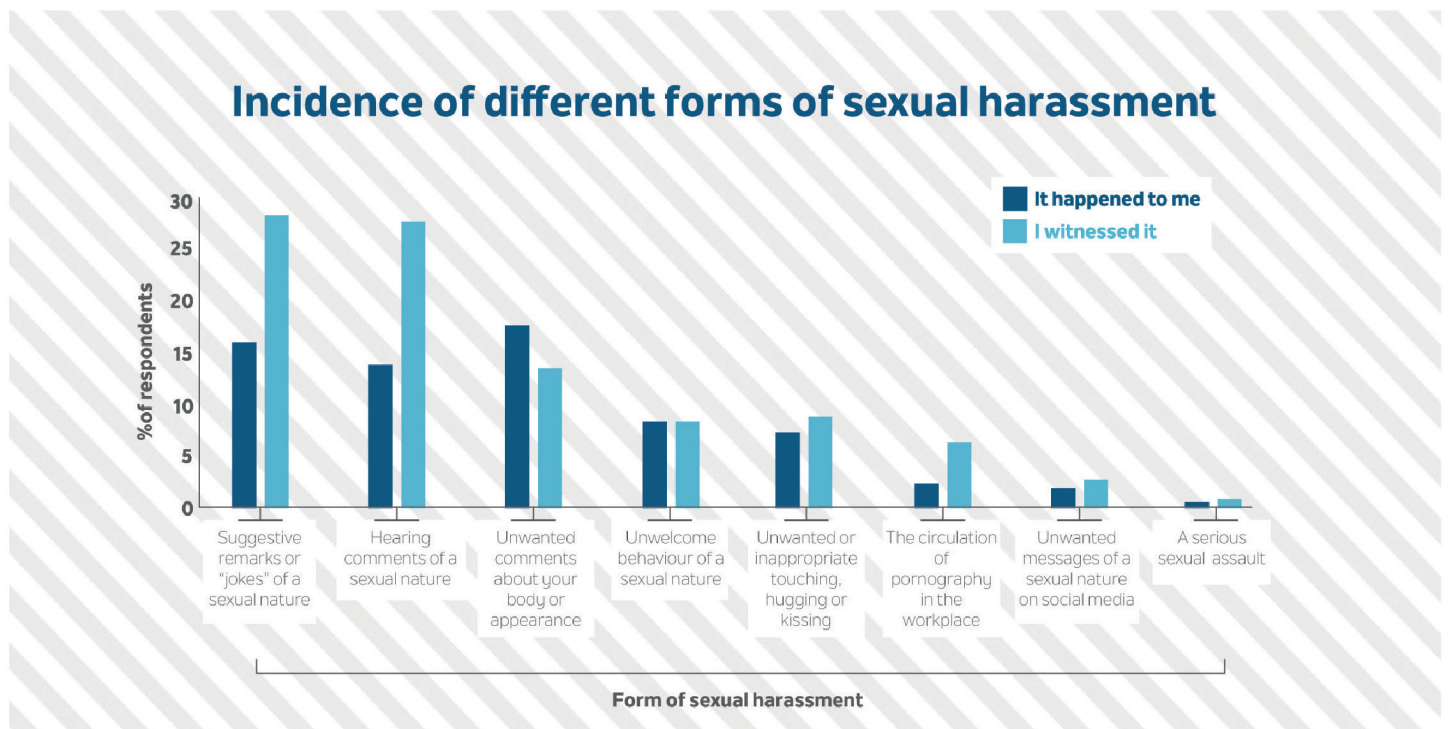
A recent survey of our members showed the different types of sexual harassment – from the very common comments and “jokes” of a sexual nature to the thankfully rare cases of serious sexual assault.

While not all sexual harassment is equally severe, even “low-level” behaviours undermine people and create an atmosphere that is conducive to other forms of sexual harassment.

Our union believes that promoting gender equality and adopting a zero-tolerance approach to all forms of sexist hostility in the workplace will help stop sexual harassment.

‘It doesn’t have to be high-level harassment for women to feel under siege... If you’re constantly being harassed, even in a small way, that builds up.’

– *Jo Brand, comedian*



¹Lim, S., & Cortina, L. M. (2005). Interpersonal mistreatment in the workplace: The interface and impact of general incivility and sexual harassment. *Journal of Applied Psychology*, 90, 483–496.

2: Origins and consequences of sexual harassment

“Be careful how you talk about risks: it can sound like you’re blaming the victim, or making excuses for the perpetrator. The real risk factor for sexual harassment is working alongside a sexual harasser.”

– *Sexual harassment policy expert*

There are many reasons why women have been subjected to sexual harassment at work. **These include:**

Too few women in the workplace

Women at all ranks in male-dominated workforces are more likely to experience sexual harassment and less likely to report it for fear of damaging their status. Male-dominated workplaces include those that are mainly led by men and those that are historically male. The gender segregation effect cuts both ways: men are more likely to be sexually harassed in female-dominated organisations or traditionally female roles.

Permissiveness towards sexual harassment

Permissiveness towards sexism, or even just a perception of permissiveness, undermines victims’ confidence to report. Sexual harassers are more likely to escalate their inappropriate behaviour if the workplace appears to tolerate or ignore “lesser” forms of sexism.

Vulnerable employment

Staff on precarious working arrangements, such as freelance work, zero-hour contracts or fixed-term appointments, may be seen as easy targets for harassers – especially if their working arrangements isolate them from the rest of the workforce.

The following are excuses, not legitimate reasons:

A few bad apples spoiling the barrel


Sexual harassment can only flourish in a culture and environment that enables it. Even a “bad apple” will moderate their behaviour if they expect sexual harassment to cause them trouble.

Misunderstandings between men and women

“It was just a misunderstanding” ranks alongside “it was just a bit of banter” as a common but indefensible attempt to minimise sexual harassment.

Good workplace policies are clear about what is appropriate and inappropriate behaviour





‘There seems to be a sense that you can get away with certain behaviour on location more so than in an office, for example. People’s inhibitions are lowered as a result. It seems people are likely to show their true selves when there are fewer perceived boundaries.’

– *BECTU member*

Work situations

Some work situations require particular management. Employers should assess and set guidelines for:

- one-to-one interactions, such as on late shifts, remote site visits, single point of contact management
- situations where one person makes decisions about career development opportunities
- close-quarters working, such as for certain technical roles. Where some physical contact is accepted as part of the job, sexual harassers may feel less inhibited to progress to inappropriate physical contact
- where blurred boundaries exist between work and leisure, such as at conferences, during fieldwork or at office socials. It must be clear that workplace policies apply to all work activities.

“There seems to be a sense that you can get away with certain behaviour on location more so than in an office, for example. People’s inhibitions are lowered as a result. It seems people are likely to show their true selves when there are fewer perceived boundaries.”

– *BECTU member*

Consequences of sexual harassment

Victims of sexual harassment, including witnesses, may suffer damage to their mental and physical health. Sexual harassment also has an impact on their work satisfaction and ability to engage with professional activities.

A study of sexual harassment in sciences showed that 18% of black, Asian and minority ethnic (BAME) women and 12% of white women had avoided professional activities because they did not feel safe.

Employers may see adverse effects on productivity, as well as increased absence and staff turnover. The more senior the perpetrator, or the greater the perception of institutional tolerance, the greater the impacts.

Employers should also be concerned about the potential for legal action and the damage to their reputation

3: Who is subjected to sexual harassment?

Many factors influence the incidence and experience of sexual harassment including maternity, disability and sexual orientation. Ultimately no individual or demographic is immune. However, the majority of sexual harassment is directed at women and it should feature in every gender equality policy. But victims are not always women and harassers are not always men.

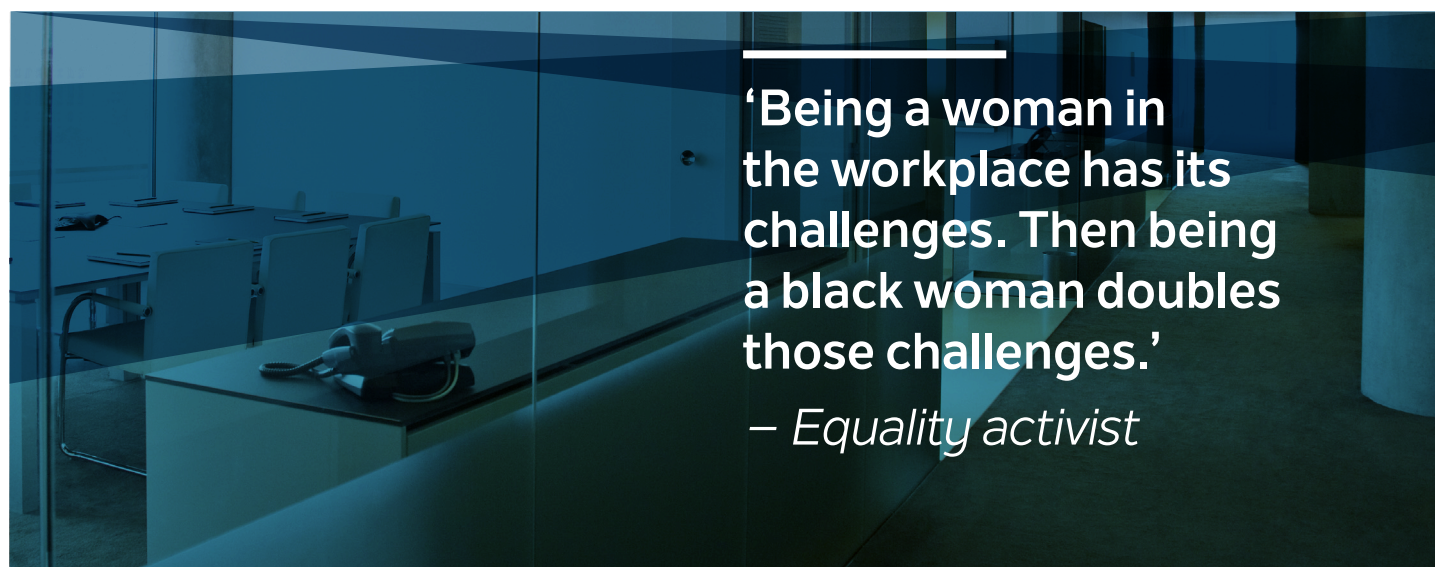
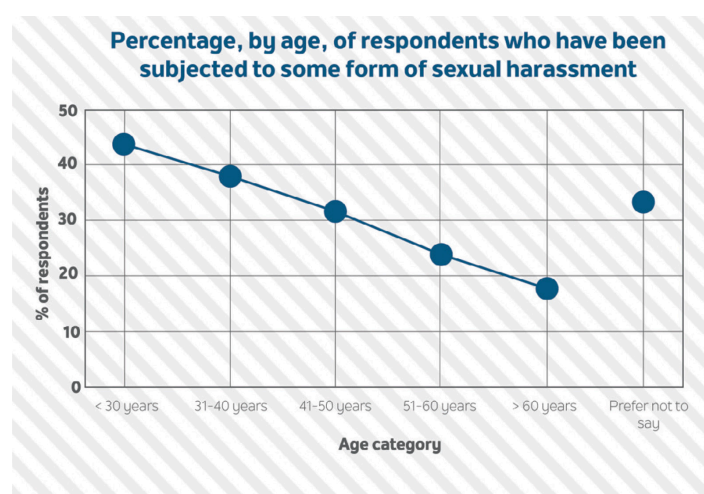
BAME women experience additional kinds of workplace sexual harassment, and more of it, including “sexualised racism” and a combination of sexism and racist hostility.

It is important to acknowledge that male victims may face different social challenges in reporting sexual harassment.

Young people are more vulnerable to harassment because they are more likely to be in precarious employment, on lower grades or ranks and have fewer social connections in the workforce. Our survey of members showed a striking relationship between the incidence of sexual harassment and age, with young workers much more likely to suffer.

Almost half (45%) of respondents under the age of 30 had been subjected to some form of sexual harassment.

We will be working with our younger members to understand and tackle the factors that contribute to this pattern.



4: What you should do if you are sexually harassed

“I was young, and maybe I was a bit naïve. I was a volunteer and he was on the staff. It was my first work experience in the industry, and I was grateful for it. He seemed friendly, so I was friendly back... at the time I wondered whether I'd given him the wrong idea. Now I know it was all him.”

– *Prospect member*

It's very common for someone who has suffered sexual harassment to wonder if they did something to cause the situation or if they could have done something to prevent it.

The cause of sexual harassment always lies with the perpetrator, and never with the subject. Nor is it the responsibility of the subject of sexual harassment to prevent it from happening

What you should do

Tell them to stop

If you feel safe and confident to do so, challenge the perpetrator yourself. You could ask a friend or union rep to be there when you do.

Get expert advice

Talk to your local union rep (if there is one in your workplace) – many branches have a specialist equality rep who you can talk to.

Alternatively, you can contact our Prospect Member Contact Centre or your BECTU full-time official. They are experts who can help you understand your options and support you in deciding whether to take action. We also have specialist officers in our research and legal teams who have years of experience in handling sexual harassment cases.

Talk to your manager

If your manager is part of the problem, you can speak to a more senior manager, or to your HR department.

Keep records

Make a note of incidents, dates, witnesses and any action you have taken. This will be useful if you decide to take formal action and can help you see the problem clearly.

Make a formal complaint

If you can't resolve the problem yourself, you can raise it formally. It's a good idea to find out about any existing workplace grievance and disciplinary procedures. Your union can support you through this process.

5: Addressing sexual harassment in the workplace

Cultivating a respectful workplace is the single most valuable protection against sexual harassment and other unwanted behaviours.

Decisive action against perpetrators is also essential in demonstrating the employer's attitude to sexual harassment.

Unfortunately, training designed simply to raise awareness of the problem **has not (on its own)** been shown to reduce sexual harassment. This kind of training can be useful to open a conversation but the solution must be systemic and supported at every level of the organisation.

Screening workers for perpetrator behaviours has not been shown to prevent sexual harassment either.

The respectful workplace

Workplace practices and cultures vary according to the needs of the business. However, those that enable sexual harassment should be reviewed and, if they are not proportionate to the business need, revised. "That's how we've always done it" is no excuse.

A respectful workplace:

- is driven by sound values
- has a hierarchy that's justified
- has resolution procedures that focus on the victim
- ensures that justice is swift.

Respectful workplace training can be a turning point for improving organisational culture and ethos. Managers, supervisors, decision makers and HR departments can build trust by implementing and enforcing the new "social contract" from day one.

It can also provide an opportunity for managers and supervisors to:

- renew their commitment to protecting individuals in the workplace
- define red lines on language and behaviour
- set out and update policies, procedures and consequences.

It is also an opportunity for individuals to:

- examine and share their workplace experiences
- build consensus and buy-in to appropriate behaviour in the culture and context of their working environment, policies and procedures.

A robust, up-to-date policy on sexual harassment should be a priority for every employer. Policies that have not been updated in the light of the #MeToo movement should be reviewed.

Union branches should make sure their employers' policies are fit for purpose and implemented. We are encouraging all reps to add this to their negotiating agenda.

Case study: A Prospect member complained of sustained sexual harassment by a senior colleague. Several other members of staff came forward to say they, too, had suffered by the same harasser. During the investigation, the perpetrator resigned to take a job elsewhere, and the case was dropped entirely:

"At the time, I was just glad it was over but now I feel that so much was unresolved. Was it right that he got away with it? And has anything changed in my workplace to stop something like that happening in future?"

– *Prospect member*

A good policy on sexual harassment:

- has buy-in from every level of the organisation/ workplace
- is developed in collaboration with trade unions and, where appropriate, equalities networks
- is regularly updated, with a view to continuous improvement
- focuses on developing and maintaining a respectful workplace
- enforces the view of the organisation/workplace that harassment of any kind is not acceptable
- clearly defines the consequences for sexual harassers
- addresses the full spectrum of sexist hostility and unwanted sexual advances
- emphasises the importance of victim-led resolution
- is supported by clear policies and procedures on equality, diversity, bullying, harassment, grievance and disciplinary action
- complies with the conciliation service's codes of practice and Equality and Human Rights Commission advice.

Good implementation ensures that:

- all employees and workers, especially managers/ supervisors and decision makers, are familiar with, and understand, the policy
- individuals engage with respectful workplace training
- employees in every level and role (including freelance and casual workers) are confident in recognising sexism and challenging it when it occurs
- people who experience sexual harassment know where they can get advice and support
- every report of sexual harassment is treated seriously, sensitively and sympathetically
- a range of options are considered for resolution, including mediation, training and disciplinary measures
- supervisors and decision makers are confident and supported in pursuing investigations of sexual harassment to their conclusion, for the good of the whole organisation/workplace

‘The primary aim is to create respectful cultures that do not allow sexual harassment to thrive. Organisations and employers that get that right from the start will have the foundations in place to address problems when they do occur.’

– Sue Ferns, Prospect senior deputy general secretary

Review point – how does my workplace measure up in terms of its harassment policy and implementation?

Based on the checklists provided on the previous page, review your organisation or workplace and make a list of the things that are being done well, and what could be improved.

Things that are currently being done well include...

Things that could be improved include...

Supporting managers, supervisors and decision makers

Many of our members are in senior positions, such as managers, supervisors or decision makers, and we understand the particular challenges that sensitive issues like sexual harassment present.

We want to see our senior members properly trained and supported in their roles – for their own well-being and for that of the people that they manage or oversee.

Please contact us if you are in a senior role and your employer isn't giving you the support you need to manage sexual harassment

6: What you should do if you are accused of sexual harassment

“He stood right behind my chair and told my line manager about all the times he’d been to strip clubs, and what it’s like to pay a woman to take her clothes off. I was the only woman in the room. It felt like it was directed at me.”

– *Prospect member*

An accusation of sexual harassment at work is likely to lead to disciplinary procedures and may result in dismissal. It could also lead to legal action through the civil or even criminal courts.

If you are accused of sexual harassment:

- seek support – talk to your local rep, full-time official or the union’s Member Contact Centre
- reflect on your behaviour and consider the effect it may have on others
- do not approach the accuser in an effort to sort it out yourself – you may make the situation worse
- ask your HR department for help with workplace policies and procedures.

Did I cross the line?

The law is clear that sexual harassment may be defined by its purpose or by its effect. Language or behaviour does not have to be intentionally harmful to count as harassment. It is possible that some sexual harassment may be due to a genuine mistake on the part of the harasser.

Different people have different boundaries. Where there is no clear invitation to greater familiarity, the default should always be to a more reserved style of interaction. In other words, if you’re not sure whether it’s appropriate to hug your colleague, it isn’t.

Workplaces are social environments with a wide spectrum of interpersonal behaviours, including compliments, jokes, flirting and physical contact. When judging the tone and degree of these interactions, consider:

POWER

Power imbalances – due to workplace hierarchy, length of employment or other social factors – call for extra care in social interactions.

RECIPROCITY

Jokes and flirting are shared, mutual interactions. If a joke or a compliment is not reciprocated, it should stop there.

SITUATION

Some workplace situations are particularly sensitive, such as those demanding close proximity or unconventional working patterns.

AUDIENCE

Personal comments or jokes that are perceived to be supported by a wider group gain additional power to intimidate.

STEREOTYPES

Stereotypes that demean or diminish a person’s status have no place at work. That includes sexist jokes and the display of pornographic material.

7: The law on sexual harassment at work

The most relevant legislation in respect of sexual harassment at work is the Equality Act 2010, which prohibits discrimination in the workplace. The Equality Act does not apply in Northern Ireland, but the Sex Discrimination (Northern Ireland) Order 1976 provides almost identical provisions.

The act covers employees and many atypical workers. For example, freelancers, interns, contractors, consultants, sessional and agency workers are all likely to be covered.

The harassment provisions in the act apply to the following protected characteristics: sex, race, disability, sexual orientation, gender reassignment, religion or belief and age.

Sexual harassment

The Equality Act defines sexual harassment as being unwanted conduct related to sex, or of a sexual nature, which has the purpose or effect of:

- violating the other's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment.

The key issues are that the conduct is unwanted and must be related to the sex of the person being subjected to harassment. The conduct must have "the purpose or effect" of harassment. So there does not need to be a deliberate attempt to harass – an act can be unlawful if it has the effect of creating a hostile environment.

The definition of harassment also expressly includes less favourable treatment because of rejection (or submission) of unwanted conduct of a sexual nature or related to gender reassignment or sex.

When considering a complaint of sexual harassment, employment tribunals must take account of three factors:

- the perception of the complainant
- the other circumstances of the case, and
- "whether it is reasonable for the conduct to have that effect".

Importantly, the tribunal must take account of what the claimant feels and how they perceive the treatment. But the tribunal is also required to take account of all the circumstances of the case and look at the incident in context. The tribunal then must consider whether they believe it was reasonable for the claimant to feel harassed.

Unlawful harassment can range from inappropriate comments about a woman's clothing or appearance through to sexual advances or assault. It is often by direct verbal approach, but can also be through email, text, social media etc. It can be by co-workers or managers. Harassment can take the form of undermining a woman at work.

Third party harassment

The legal protection for women workers subjected to harassment by customers or clients at work can be complicated. But an employer may well be liable for the actions of third parties if they fail to take appropriate action to safeguard the workers and particularly if it was reasonably foreseeable that harassment was likely to occur.

When the Equality Act came into force in 2010, there were provisions expressly outlawing third party harassment. But these provisions were repealed in 2013. However, employers who fail to sufficiently protect women workers from harassment may have a case to answer, so always seek advice from Prospect or BECTU if you are harassed while doing your work.

Employer liability

The employer is legally liable for actions by their employees that are carried out in the course of employment. This applies whether or not the harassment is done with the employer's knowledge or approval.

This concept of vicarious liability means a worker can bring a claim of harassment against an employer for actions carried out by other employees. The claim can also be brought against the individual perpetrator of the harassment.

However, an employer has a statutory defence to a claim if they can show they took all reasonable steps to prevent the harassment occurring. Employers often try to rely on the fact that they have a written policy against harassment, but we believe they need to go much further than this. Employers should ensure that all workers understand that they will show zero tolerance towards harassment.

Remember that harassment can occur in work-related events, such as parties, conferences or social events. Where an event is organised by the employer or is closely related to work, the employer may be liable for any harassment that occurs.

Victimisation

Women are often concerned about raising allegations of harassment. Your union representative, legal adviser or full-time official can help you decide how to raise issues and will support you in the process.

The victimisation provisions in the Equality Act provide protection for women raising concerns about harassment.

Victimisation is when a person is treated unfavourably because of doing a “protected act”.

A protected act is:

- bringing proceedings under the Equality Act
- giving evidence or information
- doing anything else under the act
- alleging that someone has contravened the act.

If a woman makes an allegation of harassment in good faith and is then subjected to any detriment (such as being shunned, moved or given worse duties) she may be able to bring a claim of victimisation.

‘I was physically assaulted on two occasions by a male colleague outside working hours – once during the evening on a work trip away and once on the way home from work. I reported it but was told by my manager that HR had said that because it happened off site it was not a matter for them to resolve. My union advises me that this was wrong – my employer was still legally liable.’

– BECTU member

‘Prospect presented a claim of victimisation to the employment tribunal. The legal case was eventually settled just before the final hearing. I was regraded and received compensation and an apology. But most importantly I was able to get my career back on track.’

– *Prospect member*

“Following a change of role at work, my new manager made sexist comments and harassed me. With the support of my union rep I brought a grievance which was upheld. But then I was moved to a less desirable job as management said I could no longer work with the perpetrator. Prospect presented a claim of victimisation to the employment tribunal. The legal case was eventually settled just before the final hearing. I was regraded and received compensation and an apology. But most importantly I was able to get my career back on track.”

– *Prospect member*

Employment tribunals

Claims of sexual harassment or victimisation at work are brought to an employment tribunal.

You should raise a grievance about the harassment before presenting a claim to the tribunal. Failure to raise an internal grievance can lead to compensation being reduced by up to 25%. But it is really important not to delay taking formal legal action because the time limits are not extended by the grievance process. You may therefore need to present the legal claim before the internal process is completed.

Legal proceedings must be started within three months of the act of harassment occurring. The first stage is to present an application to ACAS, the conciliation service, for early conciliation. The time in conciliation effectively “stops the clock” for presenting the actual tribunal claim. (In Northern Ireland, there is currently no early conciliation procedure, so the claim would need to be presented to the tribunal within the three months. However, early conciliation is likely to be introduced during 2018).

A tribunal can only allow a late claim if it thinks it is just and equitable to do so. But this discretion is used very sparingly, so it is extremely important that you raise your issue with Prospect or BECTU as early as possible.

Tribunals have three potential remedies in successful cases:

1. a declaration
2. recommendations to limit harassment occurring in the future (such as training or reviewing policies and procedures)
3. compensation, which can include any financial loss suffered, injury to feelings and interest.

In 2015, the government severely reduced tribunals' power to make recommendations when it repealed the provisions allowing tribunals to make recommendations in respect of the wider workforce. Recommendations can only be related to remedying the situation for the specific claimant. But where the claimant is still employed, the recommendations can cover employer-wide initiatives, as long as we can show that they benefit the individual.

Other legal remedies

The Protection from Harassment Act 1997 (PHA) was primarily designed to deal with stalkers. However, in some circumstances it can be relevant to workplace cases of harassment. The time limit for a case under this act is one year and it can be pursued through either criminal or civil proceedings.

The test of harassment under this act is much higher. The courts have held that the harassment must be intentional, targeted at the individual and calculated to cause alarm or distress.

Where an individual has suffered a significant injury, such as depression, personal injury claims may also be a potential legal redress in harassment cases. Claimants need to show that the employer was negligent and that it was reasonably foreseeable that the injury would occur.

The time limit for personal injury cases is three years from the date of knowledge of the injury. Our external solicitors can offer expert advice and representation for these claims.

Sexual assaults can be reported to the police for criminal proceedings.

The union's legal advice and assistance

Legal advice and assistance is offered at the union's discretion and is decided on the facts and merits of each case. See our legal assistance guides for details of our services and the terms and conditions for advice. You can find these on our websites at the URLs below, or speak to your local rep or full-time official to find out more.

Guide to Prospect's legal services

<http://bit.ly/prospect-legal-guide>

Guide to BECTU's legal services

<https://www.bectu.org.uk/benefits-services>

8: Action points for employers, union representatives and union members

Don't wait for sexual harassment to occur before tackling the problem. A proactive approach will help break down the cultures that allow sexual harassment to thrive and build confidence that any issues will be handled effectively.



‘I think having more women and minority groups in higher positions might help, dropping the attitude that it’s a “tough” industry and an industry exempt from the law.’

– *BECTU member*

Refresh your sexual harassment policy

If you haven't got a specific sexual harassment policy in your workplace, or you haven't reviewed it in the light of the #MeToo movement, it's time you did.

- Employers: consulting Prospect or BECTU is a great way to win grass-roots support for new policies and ensure they are relevant to real workplace experience.
- Prospect and BECTU reps: put a sexual harassment policy on your negotiating agenda.

Establish a respectful workplace

Respectful workplace training is the most effective way of preventing sexual harassment.

- Employers: consider strategies, including training, to cultivate a respectful workplace. Prospect or BECTU can help advise you on appropriate training.
- Prospect and BECTU reps: open a conversation with members about what respectful language and behaviour looks like in the culture and context of your work.

Build trust in the process

Every employee should feel secure in reporting sexual harassment and be confident that it will be dealt with sympathetically and professionally.

- Employers: commit to dealing with sexual harassment swiftly and effectively, with an emphasis on supporting the victim.
- Prospect and BECTU members: talk to us if you are not satisfied with the process in your workplace.

Promote diversity

Sexual harassment thrives on gender segregation. Diversity brings dividends for staff and employers, not least in reducing sexual harassment

- Employers: sign up to initiatives that promote workplace diversity in your sector.
- Prospect and BECTU reps: add diversity to your branch agenda and get involved with our UK-wide diversity campaigns.

Call out sexism

Build a culture where everyone has the right and the confidence to challenge sexist hostility.

- Employers: give clear guidance on what constitutes sexist language and behaviour and encourage staff, where they feel able, to challenge it at source.
- Prospect and BECTU members: challenge or report sexism wherever you witness it. Sometimes the target of harassment is the person least able to challenge it.

“I asked them to take down the calendar with pictures of naked women, and they did. They probably moaned about it behind my back but that’s better than the message it was giving out.”

– *Prospect union rep*

My action plan

Whether you’re a union member, representative or a senior person in your workplace, you can work with Prospect or BECTU to improve the way sexual harassment is handled in your workplace. Review the action points on the left, and identify below any actions you would like to take.

You may also wish to refer back to your earlier review of how well sexual harassment is currently being handled in your workplace (see page 14).

9: Union support, advice and information

Prospect union members:

Speak to a trained adviser in Prospect's Member Contact Centre by emailing helpdesk@prospect.org.uk or phoning 0300 300 1878 between 8am and 7pm, Monday to Friday.

Workplace reps: If you don't know who your workplace reps are, you can ask the Member Contact Centre. Many branches have equality or personal case specialist reps you can speak to.

Specialist staff: We have specialist staff who can advise you on legal or equalities issues. Our Member Contact Centre will be able to direct you to them if required.

If you aren't already a member, join today. Our experts are here to help you if you were to have a problem at work.
www.prospect.org.uk/join

BECTU members (BECTU is a sector of Prospect union)

Contact BECTU head office on 020 7346 0900 between 9am and 5pm, Monday to Friday, to speak to your full-time official.

Workplace reps: If you don't know who your workplace reps are, contact BECTU head office. Many branches have equality or personal case specialist reps you can speak to.

Specialist staff: We have specialist staff who can advise you on legal or equalities issues. Your full-time official will be able to direct you to them if required.

If you aren't already a member, join today. Our experts are here to help you if you were to have a problem at work.
www.bectu.org.uk/join

'Our workplace reps have a great track record of successfully supporting members in the workplace to resolve cases of harassment, but where this fails, we will use the law robustly to challenge harassment and inequality.'

– Marion Scovell, Prospect's head of legal

Further reading

Prospect members' guide to bullying and harassment

<http://bit.ly/MG-bully>

Prospect members' guide to equality at work

<http://bit.ly/MG-equality>

Guide to Prospect's legal services

<http://bit.ly/prospect-legal-guide>

Guide to BECTU's legal services

<https://www.bectu.org.uk/benefits-services>

EHRC report on ending sexual harassment at work

<http://bit.ly/ehrc-end-harassment>

BFI Principles to tackle and prevent bullying and harassment in the screen industries

<http://bit.ly/bfi-principles>

TUC guide – Protection from sexual harassment

<http://bit.ly/tuc-protection-harassment>

TUC report – Still just a bit of banter?

<http://bit.ly/tuc-banter>

Other sources of information

Advisory, Conciliation and Arbitration Service (ACAS):

www.acas.org.uk

T: 0300 123 1100

Citizens Advice:

www.citizensadvice.org.uk

T: 08451 264 264

Equality Advisory and Support Service:

www.equalityadvisoryservice.com

T: 0808 800 0082

