

Factsheet: **Sexual Harassment**

Everyone should feel safe and comfortable at work and be treated professionally and with respect. Experiencing or witnessing sexual harassment in the workplace is one of the most difficult situations you can face.

What is sexual harassment?

The Equality Act 2010 defines sexual harassment as unwanted conduct of a sexual nature with the purpose or effect of violating the dignity of a person, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Something can still be considered sexual harassment even if the alleged harasser didn't mean for it to be and it doesn't have to be intentionally directed at a specific person.

What is sexual harassment?

Sexual harassment can happen in any number of ways, including:

- ▶ written or verbal comments of a sexual nature, such as remarks about your appearance, questions about your sex life or offensive jokes
- ▶ displaying pornographic or explicit images in your space or shared space
- ▶ emails with content of a sexual nature
- ▶ unwanted physical contact and touching
- ▶ offering promotions or incentives in return for sexual favours
- ▶ personal intrusion - pestering or stalking

All employers and workplaces should make it clear to staff what sort of behaviour is considered to be sexual harassment and that it is unacceptable.

Sexual assault and physical threats

Some types of sexual harassment, such as sexual assault and physical threats, are crimes too, and should be reported to the police. If you or someone else is in immediate danger call 999.

If a complaint is reported to the police, or criminal court proceedings are being pursued, your employer must still investigate any complaint you may make about a harasser as an employment matter, if s/he is in your workplace. Following an investigation, your employer should follow its disciplinary procedure. They don't have to wait for the outcome of criminal proceedings to be able to take disciplinary action against your harasser.

Who can it happen to?

Sexual harassment can happen to anyone at any time, in any place. You can be sexually harassed by people of the same gender.

Sexual harassment in the workplace can come from anyone, including:

- ▶ someone in your team
- ▶ a supervisor or manager
- ▶ another member of staff or colleague
- ▶ someone else that you have come into contact with whilst working

When the sexual harassment comes from a senior member of staff in a position of power or influence, an organisation may find it challenging to deal with the problem internally. In these circumstances check if any relevant policies address the situation, e.g., there may be a provision that the board or management committee should handle it or an independent investigator be appointed. Even if the internal policies do not give these options, you can always ask for these on the grounds that you want a fair and impartial investigation.

Historic allegations

Sometimes a complaint of sexual harassment will be reported much later after it has occurred. You might be too traumatised or scared about the impact it may have on your job security to immediately complain about an incident of harassment. No matter what, your employer should always take such a complaint very seriously. They should handle things in a way that is sensitive and fair to you, anyone who witnessed it and the person you are complaining about. It can be helpful to talk with your employer about what outcome you are seeking in these circumstances – it may be that you just want to make sure that no-one experiences what you have been through including taking disciplinary action against the harasser.

Complaints of sexual harassment will usually only be considered at an employment tribunal if you make a claim within the relevant limitation period. You should seek legal advice before pursuing historic allegations.

Impact of sexual harassment in the workplace

It can be very difficult to report sexual harassment at work, you may fear that doing so will jeopardise your working relationships, or you won't be taken seriously, or that you may be risking your career and future prospects.

The effects of sexual harassment on you can be serious – you may leave your job or relocate, lose trust in others, feel shame or guilt, lose self-confidence, and this may lead to mental health issues such as depression, anxiety, or panic attacks.

Sexual harassment can also affect colleagues you work with who have not been harassed, but may have witnessed or are aware of the behaviour. It can result in an uncomfortable working environment which may lead to other staff feeling anxious or intimidated and high staff turnover.

What to do if you are sexually harassed

If you have been sexually harassed or feel you have witnessed sexual harassment taking place in the workplace you can make an informal complaint or raise a grievance.

It is important to acknowledge that it is not your fault and you are not being unreasonable in objecting to it or complaining about it. You are not “asking for it” and you are not being over sensitive to something which someone else tries to deem “harmless”. If it is making you feel uncomfortable, degraded or violated, then the behaviour is wrong.

Check your contract and workplace handbook to see what policies your organisation has on sexual harassment and identify who you should make your complaint to. If there is no sexual harassment policy see if there is one on bullying, which could cover the behaviour. Most policies suggest that complaints can be made by writing a grievance letter to appropriate supervisors or managers, but you may also be directed to Human Resources, especially if you are complaining about your supervisors/managers.

Before speaking to someone, try and make notes about the incident involved, especially if recalling the incident is particularly upsetting.

Life in the law can be tough. Call our confidential helpline.

We're here to listen on **0800 279 6888 or visit **www.lawcare.org.uk****

What to do if you are sexually harassed

Call it out. If someone touches you inappropriately tell them in a loud voice to stop. If possible, try and do this with other colleagues around.

Report it to your principal, head of department, supervisor, or HR, or other appropriate person, including relevant regulatory body.

Note down any dates, times, details, locations and keep contemporaneous notes. Keep a record of any communications you send or receive about the sexual harassment.

Lodge a formal grievance.

If it is not appropriately dealt with, consider taking your employer to an employment tribunal, but check time limits, usually three months and seek independent professional legal advice as soon as possible.

**Call LawCare for ongoing emotional support.
We can help you think about what to do and signpost you to professional support.**

You may want to consider professional counselling.

Reporting to regulatory bodies

If the colleague who has sexually harassed you is a lawyer, consider whether you should report the individual to their professional regulator

You can also complain to the harasser's regulatory body that you have been harassed or If you have witnessed inappropriate behaviour. Please check with the relevant regulator for their procedures. You can find a list of these on our website.

Handling a complaint of sexual harassment

All complaints of sexual harassment should be taken very seriously and handled fairly and sensitively.

Experiencing sexual harassment is often extremely emotional and distressing for the person involved. This means an employer should make reporting such a matter as stress-free as possible. In most cases this involves simple things like making sure there is plenty of time to discuss the matter and finding a private space to meet.

Employers must allow the worker to be accompanied by a work colleague at a grievance meeting involving allegations of sexual harassment. Sometimes it can help to allow the worker to be accompanied by a friend or family member but only if the employment contract permits it, or at the discretion of the employer.

It is also likely to be very distressing for a worker to be accused of sexual harassment. Whilst a fair and thorough investigation will need to be carried out, accused workers should also be offered support and sensitivity.

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Getting support

If you have been sexually harassed and need emotional support or to talk through your options you can contact LawCare's free confidential helpline on 0800 279 6888 or visit us www.lawcare.org.uk for webchat, email support and other useful resources.

Useful links

ACAS (Advisory, Conciliation and Arbitration Service) provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law.

www.acas.org.uk

Safeline is a specialised charity working to prevent sexual abuse and to support those affected in their recovery.

www.safeline.org.uk

Rape Crisis Centres provide frontline specialist, independent and confidential services for women and girls of all ages who've experienced any form of sexual violence, at any time in their lives.

www.rapecrisis.org.uk

Citizens Advice gives people the knowledge and confidence they need to find their way forward - whoever they are, and whatever their problem.

www.citizensadvice.org.uk

The Equality Advisory Service assists individuals on issues relating to equality and human rights, across England, Scotland and Wales.

www.equalityadvisoryservice.com

Victim Support offers free and confidential support to anyone affected by a crime.

www.victimsupport.org.uk

Sexual harassment at work advice line **020 7490 0152**

Run by the charity **Rights of Women**.

www.rightsofwomen.org.uk