



WHAT YOUR BUSINESS NEEDS TO KNOW ABOUT WORKPLACE SEXUAL HARASSMENT

Think Business, Think Equality

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KEY MESSAGES

You can include these key messages in staff training, or an all-staff communication about your commitment to addressing sexual harassment if it happens, or just as a starting point to think about what you need to do in your business.

What you can do

1. Your organisation has a legal responsibility to respond to, and prevent sexual harassment in your workplace.
2. Make sure your employees know how to report sexual harassment if it happens to them. Just because you've never had a report of sexual harassment doesn't mean it isn't happening in your business.
3. You can challenge sexual harassment by responding to disclosures or reports in a non-judgemental and supportive way.
4. You should take reports seriously and treat them as credible. If someone reports sexual harassment and you don't do anything about it, this sends a message that sexual harassment is accepted in your workplace.
5. You shouldn't wait until sexual harassment happens to take action. Being proactive by letting your staff know you take sexual harassment seriously is the first step to preventing it.
6. You can offer victim-survivors support that's available in your workplace or signpost to external specialist support services such as [Scottish Women's Rights Centre](#) and [Rape Crisis Scotland](#).



What you need to know about sexual harassment

7. Sexual harassment is widespread. It can happen to anyone, but women are most often the victim, and men the perpetrator.
8. Sexual harassment is unwanted, or unwelcome behaviour of a sexual nature. It covers a spectrum including sexual comments, displaying sexually graphic images, repeated unwelcome sexual advances, and unwanted touching.
9. It doesn't matter if the person didn't intend to cause distress or harm - if it makes someone feel uncomfortable or unsafe than it's sexual harassment.
10. Sexual harassment can also happen outside of working hours and/or the workplace. It also doesn't just happen face to face, but through email, text and online platforms.
11. Sexual harassment isn't just an issue between two people but a part of a wider problem with workplace culture, and gender inequality in the workplace.
12. Women don't usually report sexual harassment because they worry no one will believe them or that it will affect their job.
13. Sometimes women don't report because it's their line manager or another senior member of staff.
14. Dismissing sexual harassment as 'just a joke' or 'banter' is harmful for everyone.
15. When women aren't valued in the workplace, it makes it harder for them to feel like they will be believed.



ABOUT THIS RESOURCE

NEW EMPLOYER DUTIES

As an employer, you already have a legal duty to respond to, and take steps to prevent, sexual harassment in your organisation. The UK Government will soon be introducing a new duty on employers to prevent third-party harassment in the workplace. By taking steps now to prevent and address sexual harassment in your business you can be ready for these new duties when they come into effect and prevent costly potential legal consequences.

This guide is part of a suite of resources for small and medium businesses who want to understand and prevent sexual harassment in their workplace. You can use this alongside our [Think Business, Think Equality](#) resources on sexual harassment and gender equality at work to make a positive change in your business.

The law protects employees, workers, contractors, self-employed people hired to personally do the work and job applicants from sexual harassment. This resource uses the terms ‘employee’ or ‘staff’ to cover all of these categories. When talking about a person who is being sexually harassed, this resource may refer to them as the victim-survivor.

You can find definitions of all key terms used in our [Glossary Of Terms](#).



There are three further key areas that will help you to prevent and address sexual harassment in your organisation. These are [How To Deal With Reports](#), [How To Develop A Policy](#) and [Improving Workplace Culture](#).

The resources are designed to be used together to support you to tackle and prevent sexual harassment. The action you take in each area will reinforce action in the others.

[This resource provides the information you need to understand what workplace sexual harassment looks like, why it happens and what you can do to prevent and address it in your organisation.](#)

WHY THIS RESOURCE FOCUSES ON WOMEN

We recognise that both women and men experience sexual harassment. This resource focuses on women's experiences of sexual harassment. This is because the vast majority of people who experience sexual harassment are women, while the vast majority of perpetrators are men. Research shows that where men are sexually harassed, the perpetrator is most likely to be another man.

[You need to recognise the gendered nature of sexual harassment to deal with it effectively.](#)

Different groups of staff also have particular experiences of sexual harassment, shaped by homophobia, racism and ableism. For example, LGBT people are more likely than straight



people to receive unwelcome comments about their sex life. BME women experience racialised sexual harassment, because they are characterised as being 'more sexual' than white women. Disabled women are twice as likely as non-disabled women to experience unwanted touching.

Gender inequality is the root cause of sexual harassment. Women still have less power and status than men in the workplace, and it's this that creates an environment in which sexualised comments are dismissed as 'just banter', in which women are told 'it wasn't meant that way', and in which women aren't believed. This power imbalance is even more acute for BME women, LGBT women, disabled women and young women. It is also why male harassers are rarely held accountable.

It's important to recognise and understand this if you are serious about preventing sexual harassment in your workplace. Understanding how sexist attitudes and power imbalances enable sexual harassment is the first step to getting it right.

This doesn't mean you will be treating staff differently because of their gender. When you take action to prevent sexual harassment in your workplace, you'll improve things for all your employees.



DEFINING SEXUAL HARASSMENT

Sexual harassment is defined as unwanted or unwelcome conduct of a sexual nature. The term 'sexual harassment' covers a spectrum of behaviours which range from subtle and insidious to overt and violent. Behaviours at the subtle end of the spectrum may be intentional or unintentional, while more overt behaviours are deliberate.

Examples of sexual harassment include:

- Unwelcome physical contact, such as a hand on the knee or lower back, or shoulder rubs;
- Sexual comments or jokes of sexual nature;
- Unwelcome sexual advances, particularly when these are repeated;
- Receiving unwanted messages with material of a sexual nature by email or social media;
- Sexual assault which could include unwanted touching of breasts, buttocks, or genitals, or attempts to kiss a person;
- Promises in return for sexual favours;
- Displaying sexually graphic pictures; and
- Threats or intimidation.

Sexual harassment makes women feel small, undermined, threatened, assaulted and powerless. All forms of sexual harassment undermine women's safety at work and in their lives.

Discussion of sexual harassment often focuses on the more overt behaviours; however, more subtle sexual harassment creates a culture in which all forms of sexual harassment are



enabled. Unwanted comments of a sexual nature can be so normalised that they go completely unchallenged, creating a hostile environment that demeans women and their contributions.



**70% of women
have experienced
or witnessed sexual
harassment at work¹**

Often for women, more subtle forms of sexual harassment can be the first sign of danger or threat from a perpetrator which may escalate to more intrusive or threatening behaviours. This means even those more subtle behaviours can cause significant distress and harm to women because of the fear and insecurity they give rise to.

It doesn't have to be intended to cause distress or offence to be classed as sexual harassment. If it causes a person to feel degraded, uncomfortable or unsafe – it's still sexual harassment.

As an employer, it's critical that you acknowledge and understand the impact of all forms of sexual harassment and take reports seriously.



WHY SEXUAL HARASSMENT HAPPENS

Sexual harassment isn't just an issue between two people. It's also a wider problem related to gender inequality and sexism in the workplace, and the imbalance of power between men and women in society. This is why we're focussing on women in this resource.

Gender inequality at work means women have less power and lower status in the labour market. This is due to a wide range of factors, including:

- gender norms and stereotypes that steer women and men into very different roles in work and society;
- jobs typically done by women being undervalued and lower paid, for example care work;
- women's greater responsibility for childcare and care for older, unwell and disabled relatives;
- a lack of flexible working, especially in senior jobs;
- male-oriented workplace cultures that exclude women, intentionally or unintentionally, and normalise and enable sexual harassment.

Levels of sexual harassment tend to be higher in male-dominated workplaces, and in workplaces where women are less likely to be in leadership roles. This is because in male-oriented workplace cultures, gender norms and stereotypes are particularly acute.

Where men are sexually harassed, it is significantly more likely to be by another man, than by a woman. Men are more likely to be sexually harassed if they don't conform to traditional male stereotypes, particularly gay men. Men may be reluctant to report sexual harassment at work because of the stigma attached to it.



Sexual harassment is a form of violence against women (VAW) and is a cause and consequence of gender inequality in the workplace. As a result of the global #MeToo movement, the prevalence of sexual harassment in the workplace is now a high profile issue and there's increasing pressure for employers to take action.



SEXUAL HARASSMENT AND YOUR WORKPLACE

Sexual harassment can happen anywhere but it often happens at work. As an employer, it's your responsibility to respond to sexual harassment and take action to prevent it happening in your workplace.

It doesn't have to happen in the workplace for it to be workplace sexual harassment. It can take place during or outside of working hours. It can also happen in other places as well, including:

- Another workplace e.g. a client's office
- A business trip
- A work social event such as a Christmas party, leaving do, or after work drinks

This doesn't mean you can't have work social events or allow staff to visit clients, it just means you should be aware of the risks associated with different types of locations and events.

Sexual harassment doesn't just happen face to face, but also through email, text, social media and online platforms. This has become more common with the increase in remote working.

Your employees may come into contact with a range of different people in the course of doing their job. They could be harassed by a manager, a colleague, a client or customer. Women are often harassed by men that are more senior to them in the workplace. This is an abuse of power and reflects the imbalance in power between men and women in the workplace.

The different settings, people and roles that could be involved in a situation where sexual harassment happens means that cases can all look very different.



For example:

- a care worker might be touched on the bottom by a client when on a home visit,
- a bar employee could be sexually propositioned by a customer of the bar,
- an engineer might be sexually assaulted by a potential client at a site visit,
- an admin worker could be the subject of sexual jokes told by their line manager at a work night out, and
- an IT manager may be sent sexual images by a senior manager in the office.

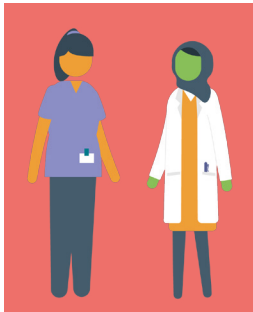
THIRD-PARTY HARASSMENT

If the harasser doesn't work for your business, this is known as third-party harassment. The UK Government will soon be introducing a duty on employers to prevent sexual harassment and protection for employees from third-party harassment. By taking steps now to prevent and address sexual harassment in your business you can be ready for these new duties when they come into effect and prevent costly potential legal consequences. However, currently you could still be held liable under health and safety legislation for failing to ensure the safety of your employee if they are harassed by a third party.

Thinking about your workplace/s, your clients and your employees is an important first step to understanding the risks that might be present for your business.



Assessing risks relating to sexual harassment



Young women are more likely to be sexually harassed at work²

It's good practice to conduct an assessment of risks relating to sexual harassment and victimisation after a report has been made. If a colleague reports sexual harassment or victimisation to you, or HR, it's important to assess any further risks to the victim-survivor, other colleagues or customers during the investigation process.

Existing risk management frameworks traditionally used in the workplace health and safety context could be used for this process. You can use the information in this resource to assist this.



WHY WOMEN DON'T REPORT SEXUAL HARASSMENT

It's easy to think that sexual harassment doesn't happen in your business. You may never have had an employee report sexual harassment to you. However, an absence of reports doesn't mean sexual harassment isn't happening.

Sexual harassment is often under-reported. A survey found that 79% of victim-survivors did not report unwanted sexual behaviour to their employer.

Women say that they don't report sexual harassment because:

- They think nothing will change
- They think they won't be believed
- They think it will be treated as 'just a joke' or 'banter'
- Their colleagues or friends have reported it and nothing happened
- They worry it could have negative personal consequences, for example affecting their prospects of promotion
- The harasser is their line manager or a senior leader, or an important client of the business
- They don't know how to report it

Even where women want to report sexual harassment, they can be discouraged by their manager from taking it further.



“It’s just a joke”

Women’s experiences of sexual harassment are often minimised by colleagues, and dismissed as ‘banter’. Women may be characterised as humourless or unable to take a joke by colleagues if they challenge or report inappropriate behaviour. Experiences may be framed as ‘flirty’ behaviour or that it should be taken as a compliment. This can have a significant effect on women’s self-esteem and confidence, and trust in the reporting process.

Sexualised language and ‘jokes’ often happen in an informal or social context and, even where they are not motivated by malice, they can still be experienced as dehumanising and threatening. When sexualised language is framed as ‘banter’ it provides tacit consent to the use of such language and other forms of sexual harassment, including unwanted physical contact and repeated sexual advances. This may encourage an escalation of the harassment.

“Is it sexual harassment?”

Sometimes women don’t report their experience of sexual harassment because they don’t recognise the behaviour as sexual harassment. A sexist workplace culture ends up feeling normal to many women.

Unwanted comments of a sexual nature regularly go completely unchallenged, creating a hostile environment that demeans and diminishes women and their contributions.

“My colleagues haven’t spoken up”

It’s common that people don’t speak out when they witness sexual harassment. This is true of women and men, but when men don’t call out sexual harassment it sends a strong signal to the perpetrator, and other men in their workplace, that it’s ok.



This also discourages other men from speaking up when they see sexual harassment, even though they know it's wrong. It's a vicious circle, but this demonstrates the importance of men's role in ending sexual harassment.

When sexual harassment takes place in front of other colleagues, and they don't say anything, it makes it harder to report because the victim-survivor feels like it won't be taken seriously.

“Sexual harassment would never happen in my business”

Employers care about their employees' wellbeing at work. They take steps to make sure their workplaces are safe and welcoming. When asked, most employers say that sexual harassment would never happen in their workplace. However, most employers are unlikely to know if it has, because women are reluctant to report incidents. Just because you've never had a report of sexual harassment in your workplace doesn't mean it has never happened, or never could.

You shouldn't wait until you receive a report of sexual harassment to take action. It is bad for your employees, and bad for your business. When you are silent on sexual harassment it enables a culture in which women are scared to speak out if it happens to them, and raises the risk of being found liable at a tribunal.

However, when you take steps to let your staff know they take sexual harassment seriously as an issue, it helps create a culture in which employees feel safe to report it if it does happen, mitigates risk and makes it less likely to happen in the first place. This is good for everyone.



You can find information about how to talk to your staff about sexual harassment in our resource on [Improving Workplace Culture](#). Our resource [How To Deal With Reports Of Sexual Harassment](#) contains best practice guidance on handling reports and supporting staff if you receive a complaint.

WOMEN'S DIFFERENT EXPERIENCES OF SEXUAL HARASSMENT

Different groups of women are affected by sexual harassment in different ways and to varying degrees. For example:

- disabled women are more likely to experience sexual harassment, and report that they are less likely to be believed than non-disabled women³
- LGBT people are often subject to comments that sex with an individual from the opposite sex will 'make them straight', and are silenced from reporting by fear of being 'outed' at work⁴
- when BME women reject unwanted sexual advances from colleagues they often receive racist harassment in response to the rejection⁵
- 97% of young women aged 18-24 have experienced sexual harassment⁶



WHAT THIS MEANS FOR YOUR BUSINESS

The impact on your employees

Research shows that sexual harassment can have serious professional, financial, and psychological impacts. The impact of sexual harassment on employees includes:

- Feelings of embarrassment, shame and humiliation;
- A sense of being undermined professionally;
- Avoiding certain work situations include meetings, training courses, or particular shifts;
- Feeling less confident at work;
- A significant detriment to their mental health;
- Taking time off sick to avoid a harasser; and
- Leaving a role or job.

This sees women losing out in their careers and businesses losing key people. Women often leave organisations where sexual harassment is common and goes unaddressed. Employers frequently fail to carry out exit interviews, or don't ask the right questions, even where there has been a report of sexual harassment.

The impact on the workplace

Sexual harassment also has a negative effect on colleagues and the wider business. **Where sexist jokes and comments are tolerated this can lead to more serious cases of sexual violence** including rape or sexual assault, damage to the business's reputation, the loss of good employees, and a toxic work environment.



It's clear that sexual harassment has serious bottom line consequences. The negative impact on staff morale and productivity **undermines business effectiveness**. There can be **extra costs** arising from administrative difficulties from unplanned time off, lost wages and sick pay. Businesses with a reputation around sexual harassment will also have a **smaller pool of candidates** to select from when recruiting and may **lose clients** or fail to win new ones. Businesses also face wider **financial and reputational** risks if they fail to deal with sexual harassment.

It makes good business sense to support employees who have experienced sexual harassment, and to take steps to prevent it from happening in the first place.



WHAT YOU CAN DO TO PREVENT SEXUAL HARASSMENT IN YOUR WORKPLACE

Tackling sexual harassment takes more than just having a good policy. It involves delivering a set of actions that improve your practice on responding to sexual harassment. As a good employer, preventing sexual harassment from happening in the first place should be the aim. This means:

- creating a workplace culture that advances gender equality,
- making sure your staff know what sexual harassment is,
- making sure your business takes complaints of sexual harassment seriously and knows how to handle them,
- having a robust process for reporting sexual harassment, and
- communicating with your employees to let them know there is no place for sexual harassment in your business.

The way you deal with sexual harassment at work sends a strong signal to your employees, and your current and prospective clients, about how seriously you take it. If you take visible and proactive steps to tackle and prevent sexual harassment it lets your people know that you do take it seriously. This builds trust in your employees to report sexual harassment if it happens, lets everyone know that it has no place in your workplace, and creates a safe and inclusive workplace culture that will help prevent it from happening in the first place.



Your business can take action to prevent sexual harassment at work. To find out how your business is doing right now take our test at www.thinkbusinessthinkequality.org.uk. You can also access our resources on building an inclusive workplace culture, creating your own sexual harassment policy and dealing with reports [here](#).

LEGAL OBLIGATIONS AND LIABILITIES

The law says that employers are required to take reasonable steps to prevent and address sexual harassment. What is considered reasonable may depend on the size of your business, the type of work you do and associated risk factors. If you don't take action you will be legally responsible for sexual harassment in your workplaces. You may face financial and reputational risks if you don't act appropriately.

You can find more information on your legal obligations on the [Equality and Human Rights Commission's website](#).

LEGAL DISCLAIMER

While every effort has been made to ensure that the explanations given here are accurate, only the courts or tribunals can give authoritative interpretations of the law.



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Close the Gap works in Scotland on women's labour market participation. We work with policymakers, employers and unions to influence and enable action that will address the causes of women's inequality at work.

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Close the Gap

Justice **NOW'S**
and **==** **THE**
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Published June 2022