HOW TO: CREATE A CULTURE THAT PREVENTS SEXUAL HARASSMENT

Think Business, Think Equality

CONTENTS

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.

1. Your organisation has a legal responsibility to respond to and prevent sexual harassment.

2. Sexual harassment is unwanted or unwelcome behaviour of a sexual nature. This includes unwanted touching, sexual comments, or displaying sexually graphic images.

3. 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.

4. Sexual harassment is widespread and women are most often the victim, and men the perpetrator.

5. Even if you've never received a report of sexual harassment this doesn't mean sexual harassment has never happened in your business.

6. Most women who have been sexually harassed will not report it because they fear negative consequences, they think it won't be taken seriously, or they don't know how to report it. This is all linked to workplace culture.

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 other 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 key areas that will help you to prevent and address sexual harassment in your organisation. These are What Your Business Needs To Know About Sexual Harassment, How To Deal With Reports and How To Develop A Policy.

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 business.

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.

SEXUAL HARASSMENT AND WORKPLACE CULTURE

WHAT IS WORKPLACE CULTURE?

Workplace culture can be difficult to define, but it's generally considered to be a combination of the processes, attitudes, values and behaviours that exist within a workplace, and that impact upon the organisation and its staff. The culture might be largely determined by expectations of management, or may have evolved over many years among staff, and is often accepted without question.

It's hard to 'see' workplace culture in your own business because you work in it every day and it just becomes the norm. However, while there may never be any intention to exclude particular groups or individuals, cultural norms at work can result in some people being put at a disadvantage. Workplace culture has a significant impact on the prevalence of sexual harassment in a workplace, and how it is dealt with.

This is why it's essential to take a step back for an objective view of the culture in your business. You need to be willing to be challenged and to honestly confront any issues you identify. Improving workplace culture is a critical part of preventing sexual harassment and creating a safe and positive environment for your staff.

Workplace culture is a key contributor to sexual harassment at work. The tone of a workplace is set from the very top of a business. The way business owners and senior leaders behave, and the behaviours they tolerate, is the strongest indicator of workplace culture. If a business owner sees sexual harassment and says nothing, or a senior leader or manager fails to deal with a report of sexual harassment, it signals to employees that sexual harassment is acceptable.

Workplace cultures can also include harmful behaviours that aren't sexual harassment, but are deeply sexist. Sexist attitudes and behaviours create an environment in which women are more likely to be sexually harassed and less likely to feel safe or able to report it.

Sexist behaviours can range from overt to more subtle behaviours. This creates a hostile environment for women, sending a message that they're not valued and reducing their trust in their colleagues and their employer. Sexist behaviour and sexual harassment are much more prevalent in workplaces and teams that are male-dominated. This indicates that culture in such workplaces can be particularly toxic.

Sexist workplace culture enables sexual harassment to go unchallenged, but it also undermines women in the workplace in a number of ways. Sexist behaviours can be subtle and some of the people in your business may not recognise them as sexist. This often means they're dismissed as not important, or 'just banter', and women are made to feel like they're being 'over-sensitive' if they question them. Behaviours can be intentional or unintentional, but in all cases it has a negative impact on women and on wider workplace culture.

WHAT SEXIST WORKPLACE CULTURE LOOKS LIKE

There are many different factors that contribute to sexist workplace culture.

- Women's contributions being valued less: their ideas being dismissed in meetings, or their contributions being initially ignored, only to be repeated by a male colleague later, and received positively.
- Women working on fewer higher visibility projects and high-value clients being mostly assigned to men.
- Women being expected or asked to make the tea or take minutes, irrespective of their role.
- Sexist jokes and remarks dismissed as 'banter', including a preoccupation with a colleague's physical appearance.
- The use of language which diminishes, infantilises or sexualises women, e.g. referring to colleagues as 'the girls', or calling a colleague 'darling' or 'doll', which creates an environment where women feel they're seen as less valuable or held in contempt.
- Stereotypical expectations around the type of job or the position a woman, or man, would hold, for example assuming a woman is a lower grade when she is a senior manager, or a man being assumed to be the manager of a team by a visiting client.
- Suggesting a female colleague only got a promotion because the hiring manager found her attractive, or even implying she had slept with him.
- Referring to a female manager as 'bossy' or 'a bitch' while male managers are seen as assertive and strong.
- The, often unspoken, assumption that women will organise collection sheets, gifts, and nights out for colleagues.

Things like this happen every day for women in the workplace. Many organisations set out clear standards of behaviour expected of staff, but without consequences for sexist behaviour and sexual harassment these have little or no impact. This can be seen as tacit approval of such behaviour, which means harassers can harass with impunity. This sends a message to your women workers that their safety, wellbeing and contributions don't matter.

When sexual harassment and sexist behaviours are allowed to go unchallenged by their colleagues, women feel their colleagues don't respect them, which is extremely damaging to their wellbeing. If your workplace culture doesn't respect and value women and men equally, this will be detrimental to your business, by impacting staff morale and productivity and your business's reputation.

There are also wider factors that can sustain a non-inclusive workplace culture. These are related to wider gender inequality in the workplace.

Inflexible working practices

Inflexible working practices can be an indicator of gender inequality in your business. This can include part-time and flexible work being unavailable in senior roles (or at all), a long hours culture where staff routinely work more than their contracted hours, and/or an expectation that staff will respond to emails outside working hours.

These practices impact negatively on women as they're more likely to have caring responsibilities than men, and less able to work long hours. This creates a culture where long hours are equated with greater commitment or productivity. If women can't work long hours, can only work flexibly

in lower-paid roles, or can't access flexible work at all, this prevents them from progressing to senior levels. This kind of workplace may make women feel that their skills and contributions aren't valued in the same way as their male colleagues' are, and they have less chance or progressing.

'Jobs for the boys'

Inflexible working practices are just one barrier that prevents women from being able to use their skills and talents and progress their careers. Where opportunities for development and promotion are discussed through informal networks and spaces, this routinely results in women being unintentionally excluded from opportunities.

Women have less access to these spaces, which are often outside of work, after hours and in typically 'masculine' activities such as golf clubs or pubs. They can also feel unwelcome in them, particularly where sexualised and sexist language is commonplace. This can result in opportunities going to the same group of people, and women being overlooked.

Lack of diversity in senior roles and in the wider workforce

Workplaces that are heavily male-dominated are more likely to have workplace cultures that don't feel inclusive or safe to women. Sexism and sexual harassment are more likely to happen in male-dominated workplaces and teams, and they're also more likely to be dismissed as 'just a joke'.

A lack of women at senior levels which also shapes workplace culture. Where there are few or no women in senior or managerial roles this can signal to women that they will be less able to progress in the organisation and may be less valued than male colleagues.

WHAT YOU CAN DO TO CREATE AN INCLUSIVE WORKPLACE CULTURE

Having a positive and inclusive workplace culture, where women and men are equally valued and respected, is good for your employees and for your business. Workplace culture and sexual harassment are closely linked. Taking action to create an inclusive workplace culture will help you tackle sexual harassment, and working to prevent and address sexual harassment will improve your workplace culture, because this action has a wider impact in your workplace.

These actions will help you do that.

Accept the challenge

It's hard to 'see' workplace culture in your own business because you work in it every day. It is your norm. This is why it's essential to take a step back for an objective view of the culture in your business. You need to be willing to be challenged and to honestly confront any issues you identify.

A positive workplace culture doesn't happen on its own. You can have a good sexual harassment policy, and a sound process in place for dealing with reports, but these won't create change where a toxic culture still exists. Sexual harassment will still happen, and it will go unreported, and victim-survivors will remain unsupported and unprotected.

Sexual harassment takes place in part because employees with sexist beliefs and attitudes believe their behaviour isn't wrong and that they won't face any consequences for their actions. Where there's clear signalling that sexual harassment won't be tolerated and has serious consequences, perpetrators are less likely to harass.

You need to act to create an inclusive workplace culture in which sexual harassment isn't tolerated and in which your employees are safe and able to fulfil their potential.

Take sexual harassment seriously

This means having a zero-tolerance approach to sexual harassment where it happens, and acting to prevent it from happening in the first place. What this means in practice is:

- putting in place a comprehensive policy and process to deal with reports of sexual harassment, and ensuring that these are followed,
- ensuring those who may have to deal with reports and investigations have the support they need to do this well, and
- treating complaints of sexual harassment credibly and investigating them as thoroughly as possible.

For more information on dealing with sexual harassment complaints click here.

Support employees who report sexual harassment

Ensuring that there are no negative repercussions from reporting is an important part of supporting victim-survivors through the reporting process. You should take steps to ensure that employees are safe and that they're not treated differently or exposed to further risk.

It's also important for line managers (unless they themselves are the alleged perpetrator) to check in with the employee to see how they're doing. This simple step shows your employee that you value them and are aware of the ongoing impact of dealing with sexual harassment. Once
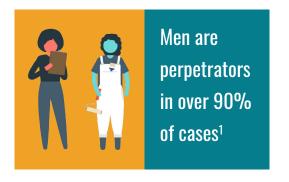
the process is concluded, it's useful to seek feedback from employees who have gone through the process to identify if there were any issues or concerns and identify potential improvements.

For more information on supporting employees click here.

Listen to your staff and encourage feedback

A sign of a negative workplace culture is a 'culture of silence' where no one speaks up, inappropriate behaviour goes unchallenged, and no one feels safe to raise concerns. Other features are minimising people's experiences, discouraging reporting of sexual harassment, prioritising resolving things 'quietly' and protecting the business reputation at all costs.

Men are perpetrators in over 90% of cases[1]

In a culture like this people don't speak up because of a fear of consequences or they think that nothing will change. Knowing what is happening in your business means you can make sure it's a place where your employees can feel safe and thrive. You should encourage staff to express any concerns they may have. You can do this by issuing an all-staff communication encouraging feedback from employees or using an anonymous survey to gather staff views. Follow through by demonstrating what you've done to respond to any issues that are highlighted.

Having an open dialogue with your employees builds trust, and that builds a positive workplace culture.

Demonstrate leadership

Strong leadership is critical to tackle harmful workplace cultures. Senior leaders taking a proactive and visible stance on tackling sexual harassment is a necessary step. Sharing a message from leadership that sexual harassment will not be tolerated in your business will send a clear message. Make it clear in an all-staff communication that you're committed to addressing it if it happens and that employees will be supported.

You may feel uncomfortable or unsure about raising the issue of sexual harassment in the workplace with your staff. You can find a model statement below that you can adapt to your own business.

MODEL STATEMENT FROM SENIOR LEADERS

At [NAME OF ORGANISATION] we value our employees and are committed to creating a safe and positive working environment for everyone. As an employer, we recognise that sexual harassment can happen in the workplace, however, it will not be tolerated in this organisation.

If you experience sexual harassment from another employee, or a client or customer of the business, we encourage you to report this. We have a clear policy and process to facilitate this which includes informal and formal options. You can find more information on the process here [link to your policy document]. [NAME OF ORGANISATION] will take the matter seriously, support you through the process and ensure any appropriate action is taken.

> We are committed to tackling sexual harassment if it happens, but also to fostering a culture in which it is prevented from happening in the first place. We have developed an action plan to do this which includes [e.g. creating a policy and process for dealing with reports, providing training for employees responsible for dealing with any reports, and reviewing and improving our workplace culture].

This shouldn't just be a one-off; providing regular communications will make it clear that it's a business priority. Sharing information on the processes you've set up to deal with sexual harassment is a good way to demonstrate transparency and accountability.

Take steps to advance gender equality in your organisation

Workplace culture shapes and is shaped by gender inequality in the workplace and the imbalance of power between men and women. Taking action to address gender inequality and power imbalances will help you build a more inclusive workplace culture and also help to prevent sexual harassment in your business. Actions you can take include:

- Improving access to flexible working, especially in more senior roles
- Reviewing how recruitment and promotion happens in your business and ensuring the process is clear and objective
- Setting targets to increase the number of women in senior roles
- Creating a targeted development programme to support women to progress from entry-level and administrative roles to operational roles

- Doing an equal pay review, sometimes called an equal pay audit, to check that you're paying men and women fairly

You can use our other Think Business, Think Equality tests and resources to receive tailored feedback and actions to help you make your workplaces better for women.
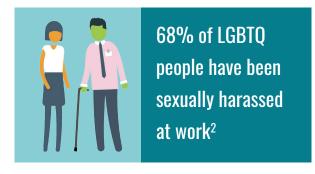
For more information on advancing gender equality and diversity in your organisation here.

HOW YOUR BUSINESS BENEFITS

Tackling sexual harassment in the workplace is the right thing to do. It also makes clear business sense.

You will position your organisation as a leader on tackling sexual harassment and benefit from an enhanced organisational reputation. This will help you attract and retain the best people and expand your customer base.

68% of LGBTQ people have been sexually harassed at work[2]

The action you take to prevent and address sexual harassment in your business will also foster an inclusive workplace culture, building staff morale and loyalty. This is good for productivity and innovation, and your bottom line.

Become a leader on preventing sexual harassment now, by using our resources to create a robust sexual harassment reporting procedure and policy for your business. You can access our full range of resources 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.

REFERENCES

1. EOC (2007) Sexual Harassment in the Workplace: a literature review
2. TUC (2019) Sexual harassment of LGBT people in the workplace

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.

Close the Gap
166 Buchanan Street
Glasgow
G1 2LW

0141 572 4730

info@closethegap.org.uk
www.closethegap.org.uk
Twitter: @closethepaygap