

SEXUAL HARASSMENT

Introduction

This month both the TUC and Labour Research Department (LRD) have issued new publications that explore the complexities of sexual harassment, describe employees' rights and make suggestions for tackling it in the workplace.

Identifying sexual harassment

While harassment can occur because of any of seven protected characteristics, the Equality Act 2010 (EQA) specifically defines sexual harassment as: "unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them." To address the problem, reps need to understand what it is, to recognise how prevalent it is in their own organisation, and the best ways of dealing with it. Sexual harassment in the workplace, and its impact on workers' lives has long been recognised as problematic - and yet it persists, as recent press coverage has illuminated. Indeed, thanks to events in Hollywood and elsewhere, few days pass without some incident of harassment being reported in the press.

Forms of sexual harassment

It can take many forms, and is not just about an executive or senior manager sexually molesting a woman

(although that does occur on occasion). It can be low level and insidious, as well as overt and physically threatening. Examples include, but are not limited to:

- making unwelcome comments about appearance
- requesting sexual favours
- indecent or suggestive remarks
- offensive jokes
- questions about someone's sex life
- pornographic displays in the workplace
- pestering for dates
- circulating offensive materials via email or social media
- excluding people from teams, meetings or networks
- ignoring people or assigning tasks on a gender specific basis.

Taking action

A member who believes she (or he) has been the victim of sexual harassment may well not wish to "make a fuss", hoping it will die down. That is unlikely to happen and should be supported to raise a grievance about the behaviours that are causing distress. Where the harasser is another TSSA member there should be an agreement that another rep will support that member (supporting does not mean condoning the inappropriate behaviour). If the grievance does not achieve the objective of amending the behaviour

advice should be taken from the full time officer or employment rights adviser about the potential for making a claim in an employment tribunal (ET).

Preventing harassment

While engaging in litigation is an available option, persuading employers to prevent harassment is a much better method of dealing with matters. Where there is a policy in place reps should review it, and ensure it deals with the following issues:

- identifying forms of harassment
- explaining how and what action to take
- educating employees at all levels - top to bottom
- ensuring the policy is accessible to all employees
- warning of the consequences of sexual harassment.

Reps action

Reps at company council level can seek information about reports of harassment generally, as well as sexual harassment specifically. Obviously, those should be anonymous reports and the details must remain confidential. However, it will only be possible to assess whether there is a cultural problem to be addressed with that sort of information.

All reps should familiarise themselves with the harassment policy and equip themselves to support both victims and perpetrators.

TSSA affiliates nationally to both the TUC and LRD. Branches are therefore entitled to affiliate to LRD themselves and purchase their wide range of booklets. Once they affiliate to the booklet service they can then extend the affiliation to include the online

service which will provide access to the range of publications to all reps and branch officers.

Branches are also able to purchase the TUC booklets through the website.

Further Information

More information on this and other legal matters is available from:

- Val Stansfield, Employment Rights Adviser at stansfieldv@tssa.org.uk or 020 7529 8046
- the TSSA Helpdesk - 0800 328 2673

The information given here is for general guidance only and should not be regarded as a complete or authoritative statement of the law.