

Understanding and confronting sexual harassment in the workplace

Learner notes

Sexual harassment

Sexual harassment is behaviour that is related to sex and that is unwelcome to the person on the receiving end, creating an intimidating, degrading or hostile environment both for that person and for others around them. While most cases of sexual harassment involve men harassing women, men can also harass other men, and women can harass men, or other women. It can take different forms, including:

- **touching** or other **physical contact**
- sexual **advances**
- physical **assault**
- **language** and **jokes** of a sexual nature
- commenting on a person's **physical appearance**
- asking inappropriate **personal questions**
- circulation of sexually explicit **images, texts** or **video** material
- making conditions of employment or advancement dependent on **sexual favours**
- openly discussing sexual **experiences** or **fantasies**.

Why does it happen?

Sexual harassment can happen for a number of reasons. Most commonly, it results from a **sense of entitlement** to behave in a certain way, but it can also happen as a result of an attempt to **exercise power** over another person, for example by demanding sexual favours in exchange for career advancement, or humiliating someone as a means of 'keeping them in their place'.

Sexual harassment can also result from inappropriate **bonding** between members of the same sex at the expense of a member of the opposite sex, or because of inequitable attitudes around **gender** and **gender equality**. A failure to understand **cultural differences** can also lead to accusations of sexual harassment, for example where there are differing cultural norms around what constitutes acceptable physical contact between men and women, or between members of the same sex.

Workplace sexual harassment has historically been under-reported because of:

- victims' fears of **reprisals** or **escalation**
- complainants fearing that they won't be **believed**
- **workplace cultures** that appear to condone sexual harassment
- inadequate **responses** by organisations when they receive reports of sexual harassment.

The impact of sexual harassment

A working environment where sexual harassment is tolerated will in many cases lead to:

- low **morale**
- reduced **productivity**
- poor **performance**
- higher levels of **stress** and **absenteeism**
- a greater **turnover** of staff
- hindering of attempts to achieve greater **gender equality**
- a risk of uncontrolled **disclosure**, for example through the press or social media.

Any tribunal or legal action resulting from sexual harassment claims can also have serious negative implications for an organisation's brand and reputation.

The law in the UK

Sexual harassment can refer to harassment on the grounds of the **protected characteristic of sex or conduct of a sexual nature**.

Sex is a protected characteristic under the **Equality Act 2010**. Sexual harassment is also a form of unlawful discrimination under the Act. It is defined as behaviour that is either meant to, or has the effect of:

- violating a person's **dignity**, or
- creating a degrading, humiliating or offensive **environment**.

The **Protection from Harassment Act 1997** encompasses all forms of harassment, including sexual harassment. The Act states that:

- there must have been at least **two incidents** by the same person or group of people for it to be harassment, and that
- the perpetrator(s) ought to have known that their behaviour would cause **distress or alarm**.

Complaints of sexual harassment will usually only be considered at an employment tribunal if the employee makes a claim **within three months** of the last incident. However, employers should always endeavour to investigate historic allegations of harassment, even if they fall outside this timeframe.

Claims in civil court under the Protection from Harassment Act can be brought up to **six years** after the incident, although it is wise to bring any claim as soon as possible, while evidence is still fresh.

Where complaints of sexual harassment include **sexual assault or physical threats**, they could fall under criminal law.

Bringing about cultural change

If sexual harassment isn't called out, or if an organisation fails to deal appropriately with complaints, it sends a powerful message to perpetrators that they can operate with impunity. It also deters people from reporting it, or intervening when they see it happening.

Real **cultural change** in the workplace doesn't come from top-down directives. It comes from people at every level making a conscious effort to challenge behaviours that are unacceptable - both their own and those of others. People who are in positions of official (or unofficial) influence in the organisation have a vital role to play, both in calling out unacceptable behaviours and attitudes and setting a positive example through their own behaviour.

Bystander interventions

Bystanders can intervene in different ways, and the most effective approach will obviously depend on the situation. For example:

- Using **humour** can help to reduce tension and make it easier to get your point across - but should never be used to belittle people or minimise someone's experience.
- **'Bringing it home'** or encouraging empathy stops the person from distancing themselves from the impact of their behaviour.
- Appealing to someone **as a friend** shows that you care about the way they are perceived by others.
- Giving **normative feedback** (explaining how most people see the world) can help put unacceptable behaviour in context.
- **Distracting** or **interrupting** someone who is sexually harassing another person serves to snap them out of their 'comfort zone' and can be particularly effective in tackling street harassment.
- There's **safety and power in numbers**, so intervening as a group gives you a strong basis for action and can be particularly effective with someone who displays a pattern of behaviour.

Source: "Bystander Intervention" published by the Stanford University Office of sexual assault and relationship abuse education and response

Things to remember when intervening as a bystander:

- Be a **good listener** and avoid imposing your own views or interpretation of a situation.
- Be **honest** and **direct** where possible, but don't be antagonistic and try to remain respectful.
- Never use **violence**.
- **Recruit help** if necessary - you don't have to confront the perpetrator directly.
- Keep yourself **safe**. If things get out of hand or become too serious, contact the police.