

ZERO TOLERANCE TO SEXUAL HARASSMENT

A guide to negotiating a workplace sexual harassment policy for union reps

When negotiating a workplace policy on sexual harassment, trade unions representatives should ensure that it:

- Is a separate and stand-alone policy.
- Explains who is covered by the policy (scope).
- Secures buy-in from every level of the organisation/ workplace.
- Engages with workers to ask them what they need from a workplace policy.
- States the organisation's zero tolerance policy for staff, volunteers, partners and contractors committing harm, exploitation or abuse.
- Outlines the employers' responsibilities.
- Is updated regularly, with a view to continuous improvement focused on developing and maintaining a respectful workplace.
- States the clear commitment to work with trade unions to put the policy into action through developing workplace campaigns and awareness raising.
- Enforces the view of the organisation/workplace that harassment of any kind is unacceptable.
- Clearly defines the consequences for sexual harassers.
- Refers to protection of whistle-blowers (for anyone who discloses malpractice).
- Addresses the full spectrum of sexist hostility and unwanted sexual advances to less visible employees—eg: homeworkers, agency workers, contractors and freelancers.
- Emphasises the importance of victim-led, trauma informed resolution.
- Ensures that the policy is supported by clear policies and procedures on equality, diversity, bullying, harassment, grievance and disciplinary action.

Furthermore, you will need to make sure the employer:

1. Closely looks at the workplace and the work undertaken to **identify any potential factors that could put people at risk**. This could be in relation to the work environment. For example, consumption of alcohol or lone working are often factors that increase the risk of sexual harassment. By analysing the results of the anonymous survey, certain job roles, locations or groups of workers may be identified as at higher risk for sexual harassment.

2. Thinks about structures – abuse of power is at the root of sexual harassment. Do certain individuals hold more decision-making power that could potentially lead to an opportunity for sexual harassment? Working in high-pressured, competitive and stressful environments can sometimes make people more at risk from demands for sexual favours. For example, a person hints at better career prospects in return for a sexual favour.

3. Assess the chance, high or low, that somebody could be harmed by the factors identified. Any factors that increase the risk of sexual harassment must be addressed, but assessing the chance will help decide how to prioritise action.

4. Based on this assessment, decisions should be made on the prevention or control measures to take to prevent the possibility of harm. Looking at the levels of risk, employers should decide what is the highest priority and focus on this list.

Here are some examples of possible measures employers should take:

- Have an anti-sexual harassment policy in place that includes all workers. The policy should be widely and frequently communicated through a range of channels e.g. inductions, team meetings and all-staff communications.



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The communication methods should ensure that all workers are aware of the policy and how it affects them. The policy should also be made clear to any stakeholders that workers come into contact with, e.g. clients, customers or patients, or contractors.

- Make clear and publicly display materials supporting a zero-tolerance approach to sexual harassment. This includes casual sexism and banter that are the building blocks for sexual harassment. Tackling masculinised and sexist environments are essential to building preventative cultures in the workplace.
- Have regular mandatory training for all workers, with enhanced training for senior leaders and line managers. Training should be tailored to the workplace environment and audience; intersectional; from a trauma informed perspective; and repeated at interim periods.
- Have at least three people workers can report sexual harassment to. For example, a trade union representative, line manager, member of your human resources team or an anti-harassment 'champion'.
- Have a recorded voicemail message on phone lines, post a statement online, talk to people in person at meetings or conferences. Be sure to state that harassment in any form, including sexual harassment, will not be tolerated. Let them know who they should report any incidents or concerns to.
- Have a budget for staff to get taxis home at night instead of relying on public transport, even if they live close by.
- Offer support for those dealing with disclosures of sexual harassment and those leading on this work. Such as access to counselling through an employee support scheme or setting up specific access to trauma-informed support.
- Clearly present the reporting procedure and frequently remind all workers where they can access it. For example, during a staff induction, when engaging a self-employed contractor or in employment contracts.

- Ensure staff do not work alone with those consuming alcohol.
- Ensure staff working alone or with the general public, in high-risk situations, have access to immediate report and support facilities.
- There may be people who are covered by the workplace policy who are not fluent in English; employers should think of different ways to communicate what sexual harassment is. This could include getting support from outside organisations or translating key documents.
- Have enhanced training and support for those who are more likely to be approached with reports of sexual harassment.
- In all documents and communications about sexual harassment reiterate that it can happen outside of the usual working environment including at staff socials and via email, social media and direct messaging.

5. Make sure that policies include a "bypass" procedure which allows initial complaints to be filed with someone other than an immediate supervisor, who may be the harasser.

6. Implement the prevention or control measures and regularly evaluate them for effectiveness.

7. Review the checklist on a regular basis. This should be at least annually or more frequently if there are relevant organisational changes. For example, the opening of a new location or after a period of high staff turnover.

Update and refresh the checklist as necessary. Use your survey to identify issues including, do staff think risks have been reduced? Are any new emerging risks? And are measures robust enough and being properly implemented?



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