

ZERO TOLERANCE TO SEXUAL HARASSMENT FACT VS. FICTION

KNOW THE FACTS ABOUT SEXUAL HARASSMENT IN YOUR WORKPLACE.

HARASSMENT ONLY COUNTS IF IT'S PHYSICAL

Harassment is not limited to physical acts. It includes verbal comments, gestures, jokes, unwanted messages, online behaviour, or repeated subtle actions that make someone feel uncomfortable or threatened. Even behaviour that seems minor to others can create a hostile or intimidating environment. Union reps should be aware that harassment can be continuous or isolated, and it's the impact on the person experiencing it that matters. Women, especially BAEM women, may experience harassment combined with racial or cultural discrimination, so reps should ensure all reports are taken seriously and handled sensitively.

BAEM WOMEN ARE TREATED THE SAME AS OTHERS WHEN REPORTING HARASSMENT

BAEM women often face additional barriers when reporting sexual harassment that others may not experience. TUC research shows that many Black women report harassment at very high levels, including unwanted verbal advances and sexist attitudes, and that these experiences can have a significant impact on mental health, confidence and performance at work.

Many BAEM women only disclose harassment to people they trust, rather than through formal channels, because of fear of not being believed, reprisals, or negative treatment from employers. These barriers are often reinforced by wider cultures of silence and the intersection of race and gender discrimination. Union reps should therefore provide inclusive, sensitive support, understand these intersecting challenges, and help ensure safe reporting routes that build confidence for all members.

IF THE PERPETRATOR IS SENIOR, THERE'S NOTHING YOU CAN DO

Even if harassment comes from a senior manager, director or CEO it is not acceptable. Being in a senior position does not put them above the law. Sexual harassment is illegal and all employers have a duty to provide a safe workplace. When employers or senior staff are involved, it may be necessary to request an independent, external investigator.

SEXUAL HARASSMENT WON'T HAPPEN TO ME

Sexual harassment can affect anyone in the workplace, including LGBT+, disabled people and men. However, women are disproportionately at higher risk. A TUC survey found that nearly 7 in 10 LGBT+ people reported being sexually harassed at work, with colleagues making unwelcome comments or asking unwelcome questions about their sex life. Two-thirds did not tell their employer about the harassment and a quarter of those said they didn't report it because they were afraid of being 'outed' at work.

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MY EMPLOYER SAYS THEY DON'T NEED A POLICY ABOUT SEXUAL HARASSMENT

When you next meet to talk about terms and conditions or at any point make sure to tell your employer that having a sexual harassment policy is crucial for every workplace to ensure safety and legal compliance.

Unite has produced a comprehensive toolkit to help you negotiate a sexual harassment policy in your workplace. Go to unitetheunion.org/zerotolerance

ACAS guidance says a sexual harassment policy should include:

- an explanation of what sexual harassment is
- a statement that says you will not tolerate sexual harassment
- what someone should do if they experience or witness sexual harassment
- how managers should deal with sexual harassment complaints
- how you will deal with sexual harassment from third parties, for example customers or clients
- support that's available for anyone affected by sexual harassment
- how you will handle time off because of sexual harassment
- your approach to assessing and managing risks of sexual harassment

Remind your employer that as of October 2024, employers now have a legal duty to proactively prevent sexual harassment of their workers. From October 2026, employers will face a higher legal threshold, upgrading the duty from 'reasonable steps' to 'all reasonable steps.'

IT'S JUST BANTER

A survey of our members revealed that more than 1 in 2 had experienced unwanted flirting/sexual remarks, and sexually offensive jokes at work. This is NOT just inoffensive banter. The dictionary definition of banter is "the playful and friendly exchange of teasing remarks". What victims of unwanted sexual harassment experience can never be described as 'just banter'.

I'M JUST A REP, I CAN'T STOP THIS

Your employer has a legal duty to take reasonable steps to prevent sexual harassment in the workplace, but as reps and work colleagues we have an obligation to step up and challenge inappropriate behaviour. This is especially important when the behaviour is impacting members in a negative way. If we don't challenge this type of behaviour, if we don't educate those who perpetrate the harassment and tell them that their behaviour is wrong/unwanted and should stop, how do we ever improve the workplace (let alone our society).

WE DON'T HAVE SEXUAL HARASSMENT AT OUR WORKPLACE

An absence of reporting of sexual harassment is not an indication of an absence of sexual harassment. Research by the TUC found that 1 in 2 women are sexually harassed at work, however, four out of five women don't feel able to tell their employer.

Unite's survey of members found that 56% of respondents had been the recipient of sexually offensive jokes, 55% had experienced unwanted flirting, gesturing or sexual remarks. Over 4 in 10 (43%) had been inappropriately touched and over a quarter (28%) had been shared or shown pornographic images by a manager, colleague or third party.

MANAGEMENT SAID THERE'S NO NEED FOR TRAINING ON SEXUAL HARASSMENT

Well, they are wrong. The duty referred to above is placed on all employers. If the employer fails to train its managers to recognise sexual harassment and doesn't take reasonable steps to prevent sexual harassment by its employees or by third parties visiting the workplace, they could be liable for damages. Unite will represent members who are the victim of workplace sexual harassment at tribunals if necessary. We would obviously prefer to see all employers adopt zero tolerance to sexual harassment policies to ensure worker safety and will keep campaigning in workplaces until they do!

