

Personal Development Resources

Quick Guide to Sexual Harassment at Work

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What is Sexual Harassment?

The Human Rights Act 1993 defines sexual harassment as any unwelcome or offensive sexual behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

Examples of sexual harassment at work could include:

- offensive sexual remarks or jokes
- intrusive questions about your sex life
- unwelcome touching, patting, or pinching by your boss, co-worker or customer
- regular hassling for a date or being followed home by a co-worker
- sexually offensive images at work, including screen savers of a sexual nature
- implied or actual threats of being overlooked for work opportunities or promotion if you say no to your boss's advances

Sexual harassment can happen at any time and at all levels of a business. Sexual harassment can be spoken, written, visual or physical acts.

It can occur in person, though text messaging, or online through email, internet chat rooms or other social media channels.



How must your business manage work health and safety risks?

Your business must ensure, so far as is reasonably practicable, the health and safety of workers, and that other persons are not put at risk by its work.

Your business must, so far as is reasonably practicable, eliminate workplace risks. If a risk can't be eliminated, it must be minimised as far as is reasonably practicable.

Risks to health and safety arise from people being exposed to hazards (anything that can potentially cause harm. This includes sexual harassment).

As sexual harassment is a common and known source of harm, your business is expected to have processes in place to effectively deal with it.

Your business must engage with you or your representatives about how it's going to manage health and safety risks from sexual harassment.

While your business must effectively deal with sexual harassment, everyone at work has a role in stopping sexual harassment from occurring.



What should you do if you see sexual harassment occurring?

Bystanders (people that see sexual harassment occurring) can have an important role when dealing with sexual harassment.

Bystanders can be supportive towards the person being harassed. Bystanders should only speak up to help someone who is being sexually harassed when they feel safe to.

Bystanders can report the sexual harassment they see.

If there's an investigation they may be named and interviewed as a witness.

Bystanders should be offered support from the business, and be protected from being punished, bullied, or intimidated. Bystanders employed within the business should refer to their internal Public Interest Disclosure or "Whistleblowing" policy which should be in place to protect them from negative treatment if they raise a whistleblowing concern, otherwise known as a "protected disclosure".



What are your options if you feel you're being sexually harassed?

Firstly, gather information, for each incident keep records of:

- how you felt
- the date, time and where it occurred
- what happened (who was present, what was said, who said what)
- if there were any witnesses

Secondly, don't ignore it. You have a range of options available to you.

These include:

Seek advice and support

Talking with a trusted person (e.g. a friend) about what happened

Seeking advice and support from other people at your place of work such as a colleague, your manager, or if your business has them:

- a person who has been trained to advise/support their co-workers (sexual harassment contact person)
- your Human Resources Department
- an employee assistance programme (EAP)

You could seek advice and support from public sector agencies or other organisations (e.g. unions), helplines, counsellors or even a solicitor.

You can have a support person present at interviews and meetings. To avoid conflicts of interest, the same support person should not support you and the other person involved.

Deal with it yourself

This means approaching the other person(s) involved to challenge their behaviour and talk about your concerns. You could have a support person with you when you do this.

You don't need to do this – only do it if you feel safe and comfortable to do so.

Report the behaviour to your business

Your business should have processes for reporting sexual harassment.

It should talk to everyone involved, consider the information provided and then decide what to do next (taking into account the seriousness of the issue and your views).

Depending on the circumstances, options for the business include:

- reminding the other person involved about expected behaviours, misconduct and serious misconduct
- talking to the other person involved about the reported behaviour
- proposing mediation takes place – but only if this is appropriate and both parties agree
- undertaking a formal investigation



What should happen when you report sexual harassment?

When you report sexual harassment, your employer should:

- make sure both you and the other person are supported
- take reasonable steps to protect you from reprisals (e.g. protect you from being punished, bullied or intimidated because you made the report). This should be set out under the business' internal Public Interest Disclosure or "Whistleblowing" policy
- tell you what interim measures will be taken to ensure your safety and welfare
- give guidance about how to respond to the other person involved if you remain in day-to-day contact
- seek your view about what approach it will take, and then as soon as possible tell you what will happen next



Support Organisations and Contacts

To help you understand your rights and options anyone affected by sexual harassment at work can:

Contact ACAS

<https://www.acas.org.uk/contact>

Get legal Advice from your trade union, if you have one.

Citizens Advice

Find your nearest one <https://www.citizensadvice.org.uk/about-us/contact-us/>

LawWorks

A charity in England and Wales - <https://www.lawworks.org.uk/>

Women who've experienced sexual harassment at work can get free legal advice from:

Rights of Women

England and Wales <https://rightsofwomen.org.uk/get-advice/sexual-harassment-at-work-law/>

You can get help after sexual assault or rape from:

Galop – LGBT+ sexual violence support <https://galop.org.uk/>

Rape Crisis – England and Wales <https://rapecrisis.org.uk/>

The Survivors Trust – <https://thesurvivorstrust.eu.rit.org.uk/>

SurvivorsUK – male rape and sexual abuse support <https://www.survivorsuk.org/>

Victim Support – <https://www.victimsupport.org.uk/>

If you're struggling to cope and need someone to talk to, you can contact:

Samaritans – <https://www.samaritans.org/how-we-can-help/contact-samaritan/>

LGBT Foundation – <https://lgbt.foundation/how-we-can-help-you?>