

# And then it clicked...

**Black women's experience of sexual  
harassment in the workplace**



## **Acknowledgements**

This research has been carried out by Gill Kirton, Queen Mary University of London, Cécile Guillaume, University of Surrey and Renu Gupta, Queen Mary University of London on behalf of the TUC.

The TUC and the authors are grateful to all the Black women who took the time to share their perspectives and experiences with us whether through participation in the focus groups or the survey. We acknowledge that many of those experiences had caused huge harm whether psychological and emotional or material damage to jobs, careers, and earnings. We recognise that sharing took immense courage as well as faith that Black women's voices would be heard and would inform understanding of sexual harassment at work as well as guide future union action on this pernicious phenomenon.

## Foreword

Until this report, there has been little to no study that articulates the lived experiences of sexual harassment that Black women face in the workplace here in the UK. It is for this reason that the TUC brought together the Black Women and Sexual Harassment Advisory Group. We wanted to provide a space to consider the experiences Black women have, and enhance the work started in 2020 by the TUC Anti-Racism Taskforce and the work of the EC working group on tackling sexual harassment since it's set up in 2021.

Whether it's the carer going into a client's home, a train driver walking into the breakroom or a teacher walking into a year 11 class, Black women are expected to navigate spaces where we are often alone and at risk of harassment and assault. The women we spoke to described situations where they were without an effective support system to help them challenge their organisation or had no route to hold their employer to account for the emotional, mental, and physical threats they face at work.

This report reflects the calls of the advisory group to recognise that as Black women we are often in spaces where we are the 'only' or 'one of a few.' This impacts on whether we will be believed or whether anything will actually come of formalised complaints, that make us vulnerable to further racism and sexism by individuals who hold power. This report draws into the light the fact that Black women face discrimination, harassment, and sexualised behaviours in our workplaces, but don't trust the structures around us to keep us safe.

As an advisory group we worked hard to ensure that our spaces were safe, respectful, and supportive and as a result we were able to help each other articulate how misogyny manifests. This led to a level of trust where Black women were heard, were validated and were understood. We cried, we laughed, and we came together. The richness of this study is found in the qualitative responses in line with our multiple oral traditions.

The power of this work is that our participants were able to share some troubling and painful experiences. Throughout this research we prioritised ensuring emotional support is available beyond the end of the session and this has been at the core of our engagement with members of the advisory group, focus group participants, on-line attendees of the roundtable and those who completed the surveys.

On behalf of the advisory group, we celebrate each and every woman who shared their experiences (often for the first time) but also those who wanted to share but could not find the words at the time – we see you and this is for all of us.

A Black woman's place is in her union. Nothing about us, without us.

**Michelle Codrington-Rogers**

**Chair, Black Women and Sexual Harassment Advisory**

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# Executive summary

The TUC undertook this research in collaboration with Queen Mary University of London in order to create a space for Black women to share their experiences and inform the work we do to tackle sexual harassment in the workplace. As the voice of more than 5.5 million working people, we have an obligation to ensure that our movement is responding to the biggest challenges working people face. To date, very little research has been undertaken that focuses on the specific experiences of Black women when considering sexual harassment in the workplace. We are grateful to our academic colleagues and all of the women who shared their stories with us.

It was important for us to create spaces where women could talk openly about their experiences and acknowledge the collective harm and injustice that has been experienced. The sessions that have provided the foundation for this work were facilitated as focus groups, with structured questions and prompts to ensure we could collect data that has formed the basis of this report. We wanted to complement this qualitative data with some headline figures which underline the current situation.

We surveyed 115 Black women across the movement and the key findings included:

- 65% of respondents to our survey reported experiencing sexual harassment of some form, with high rates of unwelcome verbal sexual advances, unwanted touching, or sexual jokes.
- 35% of respondents told us that they had experienced negative, gender-based attitudes that diminish women in general, or Black women specifically
- 51% of respondents said that their experience of sexual harassment had a negative impact on their mental health. 36% said they felt less confident at work, 27% felt isolated at work and 22% said that their experience had had a negative impact on their performance at work.
- We also gathered data on racism at work. 73% of respondents told us that they had been bullied or harassed, with 53% reporting that they had been subject to racist remarks or racist comments made in their presence.
- We found that 58% of Black women who experienced sexual harassment did not report it to their employer, with 38% of respondents telling us they did not think it would be taken seriously if they did report it.

This data provides a snapshot of the experiences Black women are facing in the workplace, but the stories shared as part of the focus groups we conducted are more powerful. Some of the incidents reported as part of this report are graphic and could be triggering, but we are clear that to eradicate the inequalities and violence that we face, we need to explicitly name them.

The recommendations in this report are aimed at tackling the cultural issues that continue to exist in workplaces that allow racialised sexual harassment to go unchallenged. There are systemic failures in workplaces, in legislative practice and in our movement, that must be addressed to ensure Black women are safe and treated with dignity and respect.

## Introduction

Sexual harassment has gained media attention and greater prominence in public discourse over the past few years on account of the anti-sexual harassment #MeToo movement that came to light in late 2017 sparked by revelations and allegations involving high profile individuals, including Harvey Weinstein. #MeToo has helped to shift the narrative from an understanding of sexual harassment based on the notion of 'a few bad apples' to one that positions it as a systemic problem present in all domains of public life. Yet despite the recency of #MeToo, sexual harassment is an age-old workplace issue that unions have long sought to tackle since the concept was first named in the late 1970s by feminist activists. While the public conversation has been rekindled, #MeToo has also focused predominantly on public sexual harassment (such as street harassment), which does not include the workplace<sup>1</sup> where sexual harassment perpetrators may be anyone encountered in a work capacity including clients, customers, patients, etc. as well as co-workers, supervisors and managers (Boateng and Brown, 2022). Additionally, #MeToo has not spotlighted Black women's specific experiences of sexual harassment.

Trade union action is crucial given the apparent ineffectiveness of currently available legal remedies and policy mechanisms for providing redress for individual targets of sexual harassment at work let alone tackling this workplace problem systemically through preventative measures that would improve the climate of all workplaces and benefit all working women (TUC, 2022). The likelihood that legal claims around sexual harassment at work will be unsuccessful is demonstrated by information on the prevalence and outcomes of employment tribunal cases. In 2021, the independent media platform openDemocracy identified just 56 cases that involved an allegation of sexual harassment, of which less than half (23) were successful<sup>2</sup> Further, while employers might have an imperative to tackle sexual harassment to comply with law as well as to protect reputation, sceptics argue that they might opt for a minimalist or window dressing approach that does little to eliminate sexual harassment (Jones and Wade, 2020) especially when it is viewed as a systemic issue rather than merely reflecting the bad behaviour of a few individual men.

We cannot ignore that sexual harassment is also happening within the trade union movement. Some unions are making moves to address the issue, conducting investigations, delivering training, appointing independent consultants, and reviewing employment policies (TUC, 2022).

*Why does this report focus on Black women as targets of sexual harassment at work?* It is self-evident that any woman can be a target of sexual harassment, but we also know from existing literature (particularly studies based in the USA) that Black women may experience *racialised sexual harassment* – a form of sexual harassment that is entwined with race and racism. Increasingly the term *misogynoir* is being used. Writer Moya Bailey

introduced the term in 2008 to address misogyny directed to Black women particularly in US visual and digital culture, where both race and gender play a role (Bailey, 2021). The conversation around Black women's experiences of sexual harassment is just beginning in the UK and is muted compared to the conversation about the sexual harassment experienced by the general category of women.

We believe that there is a need to better understand Black women's experiences of sexual harassment at work at the intersection of race and sex discrimination. The research reported here contributes to filling the gap in knowledge and understanding with the aim of informing future TUC and union campaigns so that future actions include the voices of Black women.

It is useful to note that the term 'Black' is used in this report in line with the TUC's approach. The TUC Race Relations Committee uses Black (with a capital 'B') as an umbrella term to bring together people with a shared history. 'Black' is used in a broad political and inclusive sense to describe people in the UK who have suffered from colonialism and enslavement in the past and continue to experience racism and diminished opportunities in today's society.



## Section Two

# Background

This section draws on existing literature to outline what is known about Black women and sexual harassment at work. It is important to note that many studies are US based with far fewer located in the UK context, but this body of existing research yields useful insights that inform the work carried out by the TUC and within this project specifically.

### Defining and understanding sexual harassment at work

For the purposes of workplace policymaking, ACAS defines sexual harassment as:

“Unwanted behaviour of a sexual nature which must have either violated someone's dignity, whether it was intended or not, or created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not”.<sup>3</sup>

The Equality and Human Rights Commission (EHRC)<sup>4</sup> identifies a broader concept of ‘harassment related to sex.’ The EHRC says that this type of harassment arises when a worker is subject to unwanted conduct that is related to their sex (or another legally protected characteristic) and has the purpose or the effect of violating the worker’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker (EHRC, 2020). With these two definitions from ACAS and the EHRC, we can see that sexual harassment can be behaviour of a *sexual nature* as well as behaviour *related to the target’s gender*.

The sexual harassment that Black women experience may be driven by *racialised* gender stereotypes (e.g. hyper-sexual, sexually available, agentic, self-assertive) which vary from the stereotypes attached to white women (e.g. weak, vulnerable, passive) (Buchanan et al., 2008; Jones and Wade, 2020). Racialised sexual harassment comprises behaviours that draw on these sexualised stereotypes of Black women specifically (Woods et al., 2009).

The stereotypes of Black women reflect *gendered racism* rooted simultaneously in intersecting notions of ‘blackness’ and ‘femaleness’ (Thomas et al., 2008). Therefore, expanding on the EHRC definition above, the sexual harassment Black women encounter may be regarded as *harassment related to gender **and** race* or *racialised sexual harassment*.

### Black women and sexual harassment at work

There is evidence from the UK and beyond that Black and minority ethnic women experience higher rates of sexual harassment compared with white women (Adams et al., 2020; Calafell, 2014; Cassino and Besen-Cassino, 2019; Fielden et al., 2010; Holder et al., 2015; Krieger et al., 2006). One explanation is that the pervasive racialised hierarchical power dynamic created by Black women’s under-representation at the higher echelons

of the organisational hierarchy and over-representation in lower-level jobs/roles and precarious work, exposes them to more instances of sexual harassment (Buchanan et al., 2008; Fielden et al., 2010; Krieger et al., 2006; Marin et al., 2020).

When Black women are a small minority in a workplace, they may also be particularly vulnerable to racialised sexual harassment (Cantalupo, 2019) and certain types of workplaces, for example, heavily male dominated ones, may exhibit cultures that ferment sexual harassment including racialised sexual harassment. Sexual harassment and racialised sexual harassment are not though confined to hypermasculine settings and may occur in any work setting even feminised ones. Work-related sexual harassment does not always occur within the confines of the physical workplace. For example, work-related activities outside the workplace create fertile ground for sexual harassment involving clients/customers and colleagues in bars and restaurants, private homes, etc. (Brunner & Dever, 2014). Online harassment via social media platforms is also now more than possible and potentially a new workspace where harassment can occur (Ford et al., 2021).

An International Labour Organisation survey confirms that sexual harassment is most likely when multiple marginalised identities intersect (ILO, 2022). For example, Black and minority ethnic LGBTQ women, or those with precarious (im)migrant status, experience higher rates of sexual harassment compared with white peers (Brassel et al., 2020; Cassino & Besen-Cassino, 2019; Danna et al., 2020; Villegas, 2019). The higher overall rate of (racialised) sexual harassment Black women experience in the contemporary workplace (Berdahl & Moore, 2006; Buchanan, 2005) has deep historical and structural roots. As a power play, it can be traced back to colonialism and the systemic exploitation of Black women (Settles et al., 2008). Drawing on age old stereotypes, Settles et al., (2008) find that white women are still viewed as docile motherly figures. Consequently, white women are often subjected to benevolent sexism and the harassment they experience is related to gender and these gender stereotypes. In contrast, Black women who have traditionally worked outside the home experience more intense sexual harassment (Buchanan & West, 2009), which US feminist academics attribute to the far-reaching legacy of slavery whereby Black women were treated as property which unconsciously infects the mindset of men in the contemporary era (e.g. Settles et al., 2008).

### **Impact of (racialised) sexual harassment on Black women**

Sexual harassment has a range of negative health, work and psychological outcomes and the negative effects may persist for years after the experience (Woods et al., 2009). Experiences of repeated racial and sexual harassment may trigger post-traumatic stress symptoms, worsen wellbeing, and decrease life satisfaction (Buchanan and Fitzgerald, 2008; Ho et al., 2012). Being targeted with multiple forms of harassment leads to greater detriment to the psychological wellbeing of individuals compared with experiencing one form alone (Buchanan & Fitzgerald, 2008). Beyond the psychological effects, sexual harassment also adversely impacts Black women's physical health (Hall et al., 2012) and may trigger negative occupational outcomes such as job dissatisfaction and diminished

work productivity (Buchanan & Fitzgerald, 2008) which may impact not only organisations but also the longer term economic and career outcomes of Black women (Cassino & Besen-Cassino, 2019).

Women also feel discouraged from entering fields where they anticipate sexual harassment and they feel pushed out of those fields when it is experienced, contributing to gender segregation which only further exacerbates the prevalence of workplace sexual harassment (Cassino & Besen-Cassino, 2019). Increasingly, exposure to sexual harassment is being considered by trade unions as a health and safety issue.

### **Black women's responses to workplace sexual harassment**

When experiencing sexual harassment, Black women often describe having to channel their inner strength to help them cope with the situation (Settles et al., 2008). The notion of having to be a 'strong Black woman' able to battle the world and persevere against the odds seems to be entrenched in the minds of many. Black women highlight that such a self-concept is necessary to deal with their daily challenges (Settles et al., 2008). While it may be a practical defensive strategy, the costs associated with continued emotional resilience without support and alleviation of the harassment itself are high.

Research finds that Black women respond to sexual harassment in a variety of ways ranging from avoiding the harasser, confronting the harasser, reporting the harasser, seeking support from family, friends, and co-workers, seeking organisational support and action (Buchanan et al., 2007).

The most common response is avoidance, a passive coping mechanism that may help Black women maintain a façade of strength and temporarily minimise the psychological pain, but this response is negatively related to self-esteem and life satisfaction, leading to heightened distress over time (Thomas et al., 2008).

### **(Racialised) barriers to disclosing experiences of workplace sexual harassment**

Despite being illegal and despite existence of organisational policies, formal reporting of sexual harassment is low which poses a policy challenge (Hart, 2019) that needs to be better understood by employment relations actors. Apart from this, disclosing experiences of sexual harassment is seen as part of the 'healing process' for victims as it enables women to gain support from co-workers (as well as, in theory, from management), but targets' silence is more likely where organisations are implicitly tolerant of sexual harassment. As a systemic problem, sexual harassment thrives on silence (Ford et al., 2021).

A global ILO survey finds that just half of women have shared their experience of workplace harassment with someone else with high income women far more likely to do so than lower income (74% compared with 43%). 55% of those who disclosed their experience told their employer and 14.8% told a trade union rep (ILO, 2022). Echoing the ILO survey where respondents revealed little confidence in reporting to their employer,

the Fawcett Society claims that women are rarely supported when they report sexual harassment at work (Fawcett Society, 2020).

We anticipate that low reporting would be even higher for Black women when we consider the reasons for under-reporting.

Under-reporting may be due to fear of reprisals and victimisation (Cassino & Besen-Cassino, 2019; Fielden et al., 2010; Marin et al., 2020), fear of ostracism (Brown and Battle, 2020) or even out of embarrassment and shame (TUC, 2016). Where the perpetrator is a client or service user (e.g. patient or patient's family member), under-reporting may be amplified due to the belief that management will inevitably side with the client/service user (Boateng and Brown, 2022). Thus, formal reporting can paradoxically make women feel even more vulnerable and less resilient, making it problematic to recommend formal reporting, particularly to Black women (Ford et al., 2021).

Black women may be even less likely to report sexual harassment for fear of not being believed as well as from a heightened fear of reprisals in workplaces perceived as racially unequal or discriminatory (Golden, 2019; Jones & Wade, 2020). In addition, a key barrier potentially impeding Black women from reporting sexual harassment is the taboo and shame associated with being a 'victim' and failing to be the 'strong Black woman' (TUC, 2016; Fielden et al., 2010).

A 'culture of silence, secrecy and shame' around sexual harassment is prevalent in Black and Minority Ethnic communities (West, 2006). Even though these psychological dimensions must be acknowledged, gendered and racialised asymmetries of power, which create 'structural vulnerabilities,' are at the heart of under-reporting of sexual harassment (Minnotte & Legerski, 2019). Reporting is particularly problematic where the perpetrator is a line-manager (quite possibly white and normally the person to report issues to) or where a Black woman has another marginalised identity that makes her especially vulnerable (such as migrant status) (Villegas, 2019; Welsh et al., 2006).

### **Employer policies and actions**

Sexual harassment policies and procedures are now a standard part of the HR policy landscape in many countries (McLaughlin et al, 2012), yet according to the last UK Government Equalities Office (GEO) survey (Adams et al., 2020), only half of employees felt that their organisation handled sexual harassment well, and a relatively large proportion were unsure. Equally only 48% thought that their organisation provided training on sexual harassment. A Fawcett Society report (2022) suggests that employers' responses to sexual harassment are often insufficient or inappropriate because managers often dismiss the seriousness of the situation and do not know how to respond (or lack confidence to do so).

Most managers have never dealt with a report of sexual harassment in their workplace. Line managers should therefore be trained and confident in implementing the organisation's policies and dealing with any concerns or complaints. They should also be

competent to have open and sensitive conversations<sup>5</sup> with individuals and be able to manage conflict that may occur when conducting investigations.

According to the Equality and Human Rights Commission (EHRC),<sup>6</sup> more broadly, general training should ensure that workers understand that sexual harassment comprises a broad range of conduct and potential harassers (e.g., clients, customers, patients). Research also shows the importance of considering a broader range of interested parties with a focus on sexual harassment bystanders or observers (O’Leary-Kelly et al. 2009; MacDonald, 2012). By influencing attitudes, beliefs, and behaviours surrounding sexual harassment and assault, bystander programs encourage and train individuals to intervene when they witness situations of harassment (Buchanan et al. 2014). Additionally, studies on race-based bullying and bystander intervention show reason to suspect that bystander intervention programs could have a powerful impact on reducing incidences of racial and sexual harassment in the workplace (Mulvey et al., 2016).

### **Campaigning on sexual and racial harassment**

As stated earlier, two social movements - #MeToo and Black Lives Matter – have rekindled the public conversation about sexual and racial discrimination and harassment. The Black Lives Matter movement has embraced the politics of intersectionality, and its younger (Millennial) activists are more alert than older cohorts of leftist activists to the complexities of sexual and racial violence for multiply marginalised women (Milkman, 2017). Meanwhile, echoing earlier criticism of the feminist movement, the #MeToo movement has been criticized for failing to recognise the contribution of Black and minority ethnic women in founding the movement ten years earlier as well as neglecting the unique forms of harassment Black and minority ethnic women experience and their heightened vulnerability to sexual harassment, notably in the workplace (Onwuachi-Willig, 2018).

Ironically, it was a Black American woman who originally coined the phrase ‘Me Too’ on social media in 2006 with the intention of supporting Black women survivors of sexual violence, especially those from low-income communities who had few sources of support (Jones and Wade, 2020). To date the BLM movement has been mainly concerned with state-sanctioned violence against Black people through institutions such as the police and racialised sexual harassment at the workplace or even in the wider public domain has not been a specific focus. Nevertheless, the important point that can be drawn from the BLM movement is that the historical and structural devaluing of Black lives leaves Black people vulnerable to racist physical violence (Thomas, 2019). Both movements have certainly captured not just the imaginations of younger people (and by default younger workers) but also their lived realities.

### **Conclusion**

Reframing sexual harassment as a collective harm or injury to female workers and a structural problem linked to gender and race occupational segregation (Crain and Matheny 2019) might help to develop a campaigning and organising approach that

identifies and addresses the specific working conditions that expose women, and more specifically Black women, to sexual harassment. The concentration of Black women in certain industries such as the hospitality, services, and health sectors where female workers are exposed to male 'third parties' (customers, patients) should lead trade unions to be particularly vigilant.

The TUC's advice to conduct a risk assessment can help to identify the factors that may increase the likelihood of sexual harassment such as power imbalances. As Chamberlain et al. (2008) explain, differential worker power and women subordinated organizational positions render them vulnerable to sexual harassment. Black women therefore face 'double jeopardy,' whereby sexual and racial prejudice, as well as occupational and economic segregation, lead them to be primary targets of sexual harassment (Berdahl and Moore 2006; Buchanan and Fitzgerald 2008).

Equally, the over-exposure of (often young) Black women with insecure or precarious employment status (internships, zero-hour contracts or those working in the gig economy), who are less protected by the law, should lead trade unions to launch special information and prevention campaigns, especially as trade union presence in these workplaces is often limited.

## Section Three

# Methods

The research presented in this report was carried out in collaboration with the TUC, specifically the Black Women and Sexual Harassment Project Advisory Group. The Advisory Group comprises Black women activists, reps, and officers from a range of unions as well as representatives from Black women's advocacy/campaign organisations.

Information and data for the report were gathered from:

- Focus groups of Black women (35 participants)
- Survey of Black women (115 respondents)

The research design was discussed with the Advisory Group which also provided feedback on the focus group guide and the survey questionnaire.

### Focus groups

35 Black women participated in focus groups. The TUC organised sessions at the 2024 annual Women's Conference and Black Workers' Conference, a session with the campaign Advisory Group and two additional online sessions. The sessions focused on how Black women understand and experience sexual harassment at work; wider effects on workplace climate; reporting and under-reporting; support needed and desired.

### Survey

The online questionnaire was open to all Black women whether union members or not. It was publicised via TUC and union networks and social media. 115 Black women took part in the survey. There were respondents from all over the UK with the largest concentration in London. Respondents were largely in full-time permanent jobs (55%) in the public sector (84%) and 57% were in professional occupations. Respondents described their workplaces as female dominated (39%), male dominated (25%) or gender balanced (36%). 36% of respondents were union reps. Selected individual characteristics are shown in Table 3.1 (respondents did not have to answer these questions).

**Table 3.1 Survey respondents (N = 115)**

<b>Selected individual characteristics</b>	<b>%</b>
<b>Ethnic group</b>	
Black African	23
Black Caribbean	29
Indian	10
Pakistani	9
Bangladeshi	1
Mixed: white & Black Caribbean	11
Mixed: white & Black African	4
Mixed: white & Asian	0
Arab	0
Other	5
<b>Age</b>	
Under 26	0
26-35	22
26-45	25
46-55	28
56-65	20
65+	2
<b>Sexual orientation</b>	
Bi-sexual	6
Gay/lesbian	3
Heterosexual	85
<b>Disabled</b>	Y = 17 N = 77

The survey consisted of questions related to Black women's experience of types of sexual harassment, location of incidents (within or outside workplaces), characteristics of perpetrators, approaches to seeking support and reporting, effects of sexual harassment (psychosocial, well-being, job performance), experiences of witnessing sexual harassment of other Black women, a wider question about experiences of workplace racism.



Section Four

## Findings

### 4.1 Introduction

The survey asked a question about the types of sexual harassment at work that Black women had experienced in the last two years. Table 4.1 shows that about 65% of respondents had had some type of experience with high rates of unwelcome verbal sexual advances, unwanted touching, unwelcome sexual jokes, as well as expression of negative attitudes towards women which constitutes gender-based harassment.

**Table 4.1 Experiences of unwanted sexual behaviour at work in the last two years**

<b>In the last two years, have you experienced any of the following types of unwanted sexual behaviour from co-workers, managers, customers, clients, patients, or member of the public you meet through work? This need not to have occurred within your workplace or within working hours (select all that apply)</b>	<b>Percentage</b>
Expressions of negative, gender-based attitudes that diminish women in general and/or Black women specifically	35%
No, none of these	35%
Unwelcome comments, sounds or looks/staring of a sexual nature about your body and/or clothes	30%
Unwelcome jokes of a sexual nature	26%
Any other form of unwanted touching of a sexual nature (e.g., placing hand on lower back or knee, attempts to kiss or hug)	24%
Unwelcome verbal sexual advances, invitations, propositions, offering of gifts not accompanied by threats or demands	19%
Unwelcome questions/comments about your sex life	18%
Other highly sexualised unwanted touching (e.g., of the breasts, buttocks, or genitals)	8%
Unwelcome verbal sexual advances, invitations or propositions accompanied by threats or demands, for example demands for sexual favours in exchange for favourable treatment or opportunities at work or demands issues as a threat concerning your job.	7%
Displays of pornographic images, drawings, or objects in the workplace	5%
Unwanted messages with material of a sexual nature on social media	5%
Sexual assault or rape	4%
Unwanted emails with material of a sexual nature	1%

Sexual harassment experiences are having a range of negative effects on Black women's working lives as well as their lives beyond work as we see in Table 4.2 which shows high rates of negative impact on work performance, job attachment, mental health and wellbeing and confidence. Sexual harassment also increases Black women's sense of isolation; it makes them feel embarrassed and causes them to avoid situations where the harassment may occur.

**Table 4.2 Effects of sexual harassment experiences**

<b>Still thinking about the most recent incident, which, if any, of the following describe the effects that the experience had on you? (select all that apply)</b>	<b>Percentage</b>
It had a negative impact on my mental health (e.g. made me feel more stressed, anxious, depressed etc.)	51%
It made me feel less confident at work	36%
It caused me to avoid certain work situations (e.g. meetings, courses, locations, particular shifts etc.) in order to avoid the perpetrator	31%
It made me feel isolated	27%
It had a negative impact on my performance at work	22%
It made me feel embarrassed	22%
It made me want to leave my job, but I could not because of financial or other factors	20%
None of these	16%
It had a negative impact on my physical health	14%
It caused me to take time off work	12%
It had a negative impact on personal relationships outside of work	9%
It caused me to leave my job or leave the employer	8%
It caused me to change my role in the company/ organisation	5%
It caused me to leave my union	1%

Black women's voices show a clear need for unions to take action to tackle sexual harassment at work. To set the union context, the report next provides an overview of current union action on sexual harassment at work by outlining the work of the TUC and by looking at the campaigns and resources provided by the largest 10 TUC unions which combined represent the vast majority of UK union members.

## 4.2 Union action on sexual harassment at work

The specific focus here on Black women's experiences arises from a broader TUC campaign on sexual harassment at work. After reaffirming its commitment to eliminate all forms of sexual harassment and violence against women in 2018, the TUC brought together 30 organisations under the umbrella of the #Thisisnotworking alliance to campaign for the introduction of a new employer's duty to proactively build safe environments for workers.

In 2021, following years of campaigning, the This Is Not Working Alliance welcomed the Government's commitment to tackle the pervasive culture of workplace sexual harassment by introducing a preventative duty and third-party liability so that workers have the legal protections they need to work in safe and respectful workplaces. In July 2021, the Government committed to these reforms and ratified the ILO Violence and Harassment Convention 190. Following from this, a new Worker Protection Act (an amendment of the Equality Act), which comes into effect in October 2024, creates a duty on employers to take reasonable steps to prevent sexual harassment of their employees in the workplace.

The aim is to create culture change – ensuring focus shifts from redress to prevention. Employers will be supported in doing this through publication of technical guidance, which will be consulted on and issued by the Equality and Human Rights Commission.

In the meantime, the TUC established a working group to provide advice, resources, training, and support to help tackle and prevent sexual harassment in the workplace (TUC, 2022). One of the first initiatives of this group was to conduct a survey of unions which showed that nearly half of its affiliates that responded were developing or progressing a programme of work in this area, including new policies, procedures, and training, and in some cases a standalone anti sexual harassment policy for staff. The group launched a range of TUC resources for leaders, negotiators, reps, and trainers:

- legal guidance
- tackling and preventing sexual harassment toolkit
- leadership training
- development of pilot training scheme for unions
- TU Education rep's webinar and sessions for affiliates
- survey of unions as employers

Unions themselves are not beyond criticism when it comes to sexual harassment which as acknowledged by the TUC (TUC, 2022) may be experienced by union staff as well as by members and activists. As in any organisation, union culture does not exist in isolation: it shapes how unions function, allocate resources, set priorities, and respond to issues that challenge established norms and traditional conceptions of workers. It is therefore critical to create a union culture that welcomes women (including Black women) as equal partners in the struggle for social and economic justice (Avendaño & Seebrook, 2017), that reduces power differentials between men and women and fosters commitment to

elimination of harassment. This commitment can take multiple forms (TUC, 2022): standalone policies on sexual harassment for staff and members, explicit clauses in unions' rule books on how harassment should be dealt with, specific processes and procedures for investigating reports of sexual harassment and clear codes of conduct. It is just as important to encourage men, especially male leaders, to speak out and act as allies, as their commitment helps to create the space for women's voices to be heard and valued. As culture change starts from the top of an organisation, the TUC advocates prioritising the offering of dedicated training for union leaders (TUC, 2022), however there is little evidence that this is occurring in a sustained fashion across unions. Union campaigns and resources are important because union efforts should be focused on preventing and halting sexual harassment at work, rather than simply remedying harassment that has already occurred. As mentioned before, organisational culture is the most important element of any strategy to address sexual harassment in the workplace and within unions.

### **4.3 Black women's conceptualisation of sexual harassment at work**

This section presents the perspectives of Black women gathered through the focus groups. What Black women understand as sexual harassment at work?

On the one hand, as women, participants' contributions on the question of what sexual harassment at work is reflected established understandings (unwanted behaviour of a sexual nature) as well as broader notions of gender harassment (unwanted behaviour based on an individual's actual or perceived gender):

*"My understanding of sexual harassment is when you are forced to do something that you don't want to do. It could be abused sexually as well. It's also humiliation as well. It can take...all sorts of forms, you know, criticism, when someone tries to put you down, tries to take your dignity. Make you not feel comfortable with yourself."*

Participants told of various forms of sexual harassment at work that are sadly familiar from earlier studies including inappropriate sexualised messages or images being sent to women via text or social media; male managers openly watching porn on their phones in working spaces; men touching women's hair and bodies; sexualised comments, gestures, requests, and overtures.

As *Black women*, participants believed that sexual harassment *always* has a racial overtone, as one said, "it's very specific what they say about our bodies." Participants drew on historical stereotypes and tropes of Black women as well as personal past experiences, sometimes long ago, to explain how they perceive and understand sexual harassment at work. As one participant put it, the 'exoticisation' of Black women has deep historical roots that render them more vulnerable to sexual harassment as well as to racialised forms of sexual harassment that cannot be disentangled from racism:

*"The right to comment on Black women's physicality, the right to touch. Fascination with Black women's appearance, exoticisation of Black women. Deep historical roots."*

*"Sexual harassment starts, I would say very, very early in our lifetime around when we start school, that is when it really starts and then it goes through our journey within employment and careers. But it's not until you get older, you start to think back, and you think to yourself, wait up that happened to me in school, then it starts to click, and then your experiences in the workplace once you merge them together, and then you realize that, oh, no, it's got much worse now. But you know, you don't talk about it, you internalize it, but you don't talk about it. Our girls are now going through much worse than we were going through back then, especially when it comes to social media, etc."*

The idea that Black women experience sexual harassment frequently but that they do not always recognise or name those experiences as sexual harassment was a commonly made point. More than one participant said it 'suddenly clicked' that comments they received over the course of their working lives in different settings were examples of sexual harassment when they heard other women talking about similar experiences and identifying them as sexual harassment.

*"Being able to articulate that and to say, why am I getting this this treatment, is it sexual harassment? Or is it ignorance? Is it racism? Is it the fact that we should be grateful that we are getting this attention as Black women so therefore why are we complaining? And I think once we start being able to articulate it, and to use those words, like with me, suddenly something clicks, and you are like, hang on a minute, yes, it was wrong."*

*"I generally think we bat off an awful lot of it. And you know what, even though I am on this advisory group. I was answering the survey, I was like, no, it's never happened to me at school. It's never happened to me in the workplace. even when we were talking about it at [TUC] Black Workers Conference, there are a lot of women go, well, I can't fill it in because nothing has happened. But then when we were in the room where we were talking about different experiences, it was like can open, worms everywhere. And it all started to trigger and people going oh my god, I didn't even think about it in that way. It was just something I had to suck it up and get on with. And I think it depends on kind of the drip-drip...at what point do we start acknowledging that it is a form of harassment."*

On this question of how Black women understand sexual harassment of Black women specifically, another participant stated that deeply ingrained stereotypes hyper-sexualise and desexualise Black women at the same time leading to their being preyed upon by sexual harassers. However, if accused by a Black woman, white perpetrators will invoke tropes that desexualise the target (e.g. denouncing her as 'unattractive') and thereby casting doubt on the veracity and credibility of the accuser's account. In this way, racism adds another collective harmful layer to sexual harassment for Black women. This notion that for Black women, sexual harassment takes on different forms and meanings was also articulated by other participants which highlights the existence and embeddedness of both racialised sexual harassment as well as racialised *gender* harassment:

*"How I understand sexual harassment for black women is going to be a bit difficult because for instance, I've had odd comments of, oh a big bum, big chest, big lips. Because these are the physical aspects that are expected of a black woman, you don't actually take them as being sexual harassment. Honestly speaking, I'm 33 and it's only recently from our work that I started to learn that these comments are not right."*

*"The man sees the woman as available, just because she is not white, sexually available, and vulnerable. But I think also, there is another kind of sexual harassment, which is giving bad treatment to a woman of colour, because she is a woman of colour. So again, I think it's for both reasons. And she is more vulnerable."*

Being a Black woman increases vulnerability not just to the harassment itself but to particularly damaging consequences including the possibility of reprisals:

*"I still feel very strongly that it's all multiplied because we are black. It's so much worse, because there is so much more that they can do. And it's all about I think, maybe it's all about inequality, because we are so much less equal than them. And of course, if you are black and female, you are even less, you are even more unequal."*

Participants talked about Black women being 'easy targets' because men (especially white men) usually have more power in workplaces and Black women often have the least power. The internalised knowledge of being perceived as 'unequal,' 'lesser' in the workplace, causes Black women to shrug off minor incidents at least, for fear of adverse job and career consequences:

*"When it's embedded in your psyche, that that's how things are for you and that's how they should be as part of your blackness, that's how you will succeed. So, some people fall into the trap, if I want to get on, if I want to progress, I can just go along with this. I think lots of it's internalized. And I think that we often know that this is wrong, but don't necessarily have the words or the vocab or the power within the systems to call it out."*

*"I think at work, there's like a conditioning, you know, in society that we've had, in that it's acceptable behaviour, and that we shouldn't be challenging it. Now, we don't want to hinder our progression, we don't want to be seen as troublesome, or a troublemaker in the workplace."*

threading through the narratives was the very clear message that it is impossible to separate racism from the sexual harassment Black women experience because racism is so implicated in and entwined with sexual harassment of Black women:

*"We had, a big conference [in my union] and I raised this point that because at times, you'll face a situation where it's racism indirectly, the way I'm seeing it, versus sexual harassment. You're juggling the two and saying which one do I front to know how to react, to behave? But racism unfortunately, overtakes."*

The idea that it was racism rather than sexual harassment that was the deeper and fundamental cause of the kinds of negative incidents and behaviour Black women face at work was widely agreed upon. One participant expressed the dilemma:

*"I am from a union of people working in healthcare. I think that it's really hard to separate being black and being a woman ... because I think they intersect so closely in my experience of life, and that of people who I know, who have experienced sexual harassment, it seems to be so much more common amongst people of colour. And so, I can't separate the two and I don't know how to, that's also because that's my own lived experience."*

For participants, acknowledging the deeply intersectional nature of sexual harassment for Black women led to expanding the understanding of sexual harassment to include gender-based harassment where men undermine Black women, particularly Black women in positions of seniority, power, or leadership and in so doing deprive them of their authority and dignity at work:

*"When a contractor would come, they would greet the other member of staff [white man] as "hey Sup," which is short for supervisor. But then when speaking to me it'll be like "you alright, darling, you alright, babe." And it's like, why are you calling me darling and calling me babe, like I am in the same position as my white male counterpart. If you are going to speak to them with some kind of authority, such as Sup, address me in the same sort of manner. And if somebody is repeatedly doing it, especially if you have told them not to, that to me, is a form of sexual harassment."*

The continuing prevalence of what on the one hand might be framed as gender-based harassment as in the example above, was again generally seen through the lens of racism. The survey findings in Table 4.3 where we see high proportions of respondents reporting experiences of a range of racist incidents send a very clear message that where Black women have negative workplace experiences, they view these through the prism of race and racism.

**Table 4.3 Experiences of racism at work in the last 5 years**

<b>Which of the following have you experienced at work in the last 5 years? (select all that apply)</b>	<b>Percentage</b>
Being bullied or harassed	73%
People making you uncomfortable in your working environment, for example using stereotypes, commenting on your hair, dress, or religious observance, etc.	54%
Racist remarks directed at you or made in your presence	52%
Racist jokes or banter	49%
Verbal abuse directed at you or at other Black people	42%

Being subjected to questioning about your culture or religion that made you feel offended, humiliated, or threatened	41%
Being excluded from work related meetings or conversations	35%
Being excluded from work related social events	25%
Witnessing racist verbal or physical abuse of others in the workplace or work-organised social events	24%
Physical violence, threats, and intimidation	16%
Being subjected to racism from colleagues at work-related social events or informal gatherings	15%
Racist images or other content shared through social media	13%
Racist literature or music distributed in the workplace	10%

#### **4.4 Perpetrators of sexual harassment of Black women**

While thinking about the identity of sexual harassment perpetrators, participants underlined again the importance of understanding sexual harassment of Black women through a historical-racial lens. Participants reflected on the cultural conditioning of perpetrators and the racial biases across cultural and education institutions that then permeate the workplace. Consequently, they felt that workplaces are infused with racism and gender bias which together create an environment of inequality that they understood as underpinning sexual harassment and the reasons it is tolerated.

*“The sexual harassment and violence that is shown towards Black women is deeply rooted in the colonial and the racialised language ... how Black women have been viewed and abused, since enslavement, and we need to acknowledge and recognise that, how have we spoken about our bodies, our hair, how it's been deemed acceptable for so long, because we are only Black women after all ... the way that Black women are sexualized, spoken about, has a historical context, deep rooted in enslavement, colonisation, and all the things that go with that historically.”*

Many participants in the focus groups believed that they were targeted due to the intersectionality of their race and gender which increased their perceived inequality in the workplace and legitimised sexual harassment in the perception of perpetrators.

In this context, participants emphasised two key characteristics of perpetrators: (i) race and associated historical-racial biases; (ii) gendered and racialised power imbalances between perpetrators and targets.

#### **Race and associated historical-racial biases**

Participants acknowledged that women can and do sometimes sexually harass other women and that men of any colour can sexually harass Black women:



*"It is mainly men. And I would say men of any colour who are the perpetrators of that. Unfortunately, you know, I have heard of men of different backgrounds within our organisation carrying that out. And it's usually men who are married. Men who have girlfriends, men who feel that they can, that they still have it, so to speak, because they happen to be attached already, and they want to see if they can actually attract anybody else out of their marriage."*

However, participants strongly felt that as Black women they were the target of sexual harassment predominantly and 'obviously' by white men who perceive them as vulnerable and sexually available due to unconscious historical-racial biases.

*"It's easier for people in terms of their bad behaviour to define Black women as whore because, hey, you all came off the boat naked, you allowed men to rub grease on your skin to make you look good, before that man came and touched and digged at your teeth, and then sold you to wherever, and now you are at the behest of ultimate plantation owner. And that idea that well, you know, she must like it because she didn't complain."*

While being so sexualised, one of the participants shared that they must also deal with being simultaneously desexualised as they are labelled aggressive if they resist sexual harassment. This is often behind the under-reporting of sexual harassment (discussed later) as Black women do not want to be perceived as troublemakers in the workplace. However, even if they were to call out sexual harassment, many Black women feared that they would become the next target.

*"The person that opens their mouth becomes the next target to that man and I have experienced that ... The silence, it's complicit. It looks like everyone is complicit. But as soon as you got to speak, you become the next one."*

Many participants stressed that undercurrents of misogyny and racism reinforced gender and racial stereotypes in the work environment, creating conditions that not only made incidents of sexual harassment likely, but also difficult to resist.

*"We work in environments where we do get misogyny, we can get racially abused, we can be stereotyped, we can be called the angry Black woman if we defend ourselves."*

In the focus groups, only a few participants pointed to the possibility of Black, Asian and Minority Ethnic men as perpetrators of sexual harassment of Black women. The survey results indicated that 18% of the respondents identified Black, Asian and Minority Ethnic men as perpetrators as against 38% who recognised white men as perpetrators. A higher percentage of those who had witnessed sexual harassment of other Black women also reported perpetrators as white men (21%) compared with Black, Asian and Minority Ethnic men (14%).

A few of the participants highlighted the historical-cultural conditioning of Black women themselves where they expect such treatment and when targeted, prioritise securing their jobs and career progression rather than calling out or reporting sexual harassment. This was a particularly troubling situation for women who were economically vulnerable due

to their family circumstances or the non-permanent nature of their employment contracts. The case of agency workers is particularly critical.

*"In our workplaces, we get sexual harassment because we do have a lot, mostly my workplace where we have agency workers, or people who are not on the same contract or pay as the normal staff. And because you want more work, or you want more money, then the managers or the supervisor, kind of get the ladies into sexual action or whatever, promising them, oh I will give you more over time and whatever. So, they are being abused that way. But then when you still come across them, to say, this is not right. I mean, if you pick the lady, the ones who want to say, this is not right, what the person is doing, they don't even want to admit it. Because if they admitted, then they don't get the extra work, they don't get the pay."*

These vulnerable women were targeted because perpetrators expected that they would not report sexual harassment and jeopardise their jobs and career progression.

At times, their vulnerability was also on account of being a minority facing inclusion challenges, as someone looking for acceptance and to fit in with the wider work group. This all often led to what was understood as the complicity of targets themselves.

*"I work in radiology department; we are probably the minority. And I have heard a lot of people, you know, allowing these things to happen, because they want to fit in and they want to be accepted...When you come here, you want to be accepted by your abusers...if you are the only Black and they are all white, you are bound to just ensure so that you can have somebody to talk to you or to include you."*

The above quotation implies racialised power imbalances discussed next.

### **Gendered and racialised power imbalances between perpetrators and targets**

Many focus group participants believed that most sexual harassment perpetrators are in positions of power and authority, whereby they can influence the work conditions and career outcomes of women in their workplaces.

*"It could be anyone that has power, so it could be the line manager, it could be senior members of staff. It's very unlikely to be someone that has a lower status than them."*

Participants highlighted that in such relations of power, young junior Black women often become the target of sexual harassment as they are particularly under threat of being sidelined or getting pushed out of the workplace. As they look out to retain their jobs or ensure continuous progression at work, they are too scared to speak up and sexual harassment becomes something that must be endured.

*"It can also be power dynamics in regard to suggesting that I do something or another to enhance, you know, job position, etc. That would make me feel as*

*if I needed to do something in a in a sexual way or something. Otherwise, I wouldn't have continued to have my job."*

*"You are aware that you are the newest person in the office, you are the lowest paid in the office, you are the only Black person in the office. So, you kind of just put up and shut up."*

The numerical dominance of white men in higher positions further increased their ability to sexually harass Black women.

*"In our industry, it's an old white man's club. It's literally an old white man's club and a lot of the practices that they had back in the day, they are still carried on through till today, even though the demographic has changed vastly, they are still trying to hold on to that old culture. And trying to wean it out of them is very, very difficult."*

This perception of hierarchical and racialised powerplay was different from the survey responses where more respondents identified perpetrators as co-workers (44%) as against a direct manager or someone else with authority (16%), while customers and clients were identified as perpetrators by 12% and 14% of respondents, respectively. These differences can be explained by the characteristics of the survey respondents, most of whom work in the public sector as professionals and are therefore less exposed to frequent interaction with customers or care recipients, for example, than other Black women working in low-paid jobs.

**Table 4.4 Sexual harassment perpetrators**

<b>Still thinking about the most recent incident, which, if any, of the following describes who the perpetrator(s) was/were? (select all that apply)</b>	<b>Percentage</b>
A co-worker	44%
A white man	38%
A man of a different ethnicity from me	26%
A BAME man	18%
My direct manager or someone else with direct authority	16%
A client	14%
A customer	12%
A man of the same ethnicity as me	12%
Someone else	10%
Another manager without direct authority	9%
A member of the public that I interact with in my job (excluding customers, clients, patients)	5%
A union rep/official	5%

A woman	4%
A patient	3%
A business contact	1%

Additionally, the youngest age group (26-35) reported a higher incidence of sexual harassment from a direct manager or someone else in authority while women in the age group 36-55 faced it most from their co-workers. Overall, according to the survey, white male co-workers are the most likely group to sexually harass Black women. These somewhat inconsistent findings from the focus groups and the survey merely serve to illustrate the complexity of sexual harassment of Black women at work which has both racialised and hierarchical dimensions.

Power dynamics also reside in the relationship between workers and clients, particularly when Black women are hired on third-party agency contracts, working in sectors like care where work may be performed at the client's location and hospitality where employers prioritise maintaining relationships with clients over protection of workers.

*"It becomes this kind of power imbalance where the supervisor tells them, well, that's the client, we can't, you know, lose this contract, it's best if you keep quiet."*

Participants also highlighted how perpetrators, especially clients, may take advantage of cultural difference, which could be framed as a racialised powerplay. This manifested as imposing on Black women physically intrusive practices like hugging and kissing and explaining them as cultural gestures despite women clearly feeling uncomfortable. Targets often felt confused in such situations and were unable to unequivocally call the behaviour out as sexual harassment.

#### **4.5 Where sexual harassment of Black women occurs**

The focus groups and the survey highlighted that sexual harassment of Black women occurs in many different work-related spaces and environments. The spaces can be classified across two dimensions: physical spaces and virtual spaces. Physical spaces can further be categorised as public and private spaces. Physical spaces are spread across internal locations like workplaces or other premises used by the employer, and external locations where work-related presence is required. The survey results suggest that the propensity for sexual harassment to happen in both external and internal locations is almost equally high. 66% of respondents reported that sexual harassment had taken place in internal spaces and 55% reported having experienced it in external locations such as conferences (13%), work-related social events (12%), client locations (8%) and similar.

Additionally, gender composition of the workplace did not appear to have much bearing on the likelihood of incidents of sexual harassment in internal spaces. In the survey, 79% of respondents from female-dominated workplaces and 81% from male-dominated

workplaces had experienced sexual harassment in the workplace or premises used by the employer. Although this dropped to 40% in gender balanced workplaces.

**Table 4.5 Locations of sexual harassment**

<b>Thinking of the most recent incident, where did the incident(s) happen? (select all that apply)</b>	<b>Percentage</b>
In your workplace or other premises used by your employer	66%
When you were in another location for work reasons (e.g., at a conference or hotel)	13%
At a work-related social event (e.g., at a Christmas party, after work get-together, away day)	12%
On a work visit (e.g., in a member's place of work or in a client's/stakeholder's premises)	10%
While working from home or remote working	6%
Out of hours work meeting or event (e.g., evening meeting or weekend conference)	6%
By phone or text message	5%
Somewhere else	5%
Online, by email, on social media or on a virtual meeting	4%
At a union meeting/event	4%
In the home of a client (e.g. carers/domestic workers)	4%

Within the workplace or employer's work premises, women often found themselves the target of sexual harassment in isolated and contained spaces like secluded corridors, platform corners at stations and lifts.

At the same time, the participants reported incidents of sexual harassment in public spaces during work related social events like the school quiz and Christmas celebrations organised within work premises, in the presence of superiors and many other co-workers.

*"It was just a staff environment. And it was a quiz. And it was one of the activities everyone is brought in to. And I answered the question, and he made a comment about the size of my boobs."*

While some workplace locations like the workers' mess-room (dining space) is normally a well-populated common public area, it may be deserted for someone working a late or night shift. One union representative said:

*"I have had to deal with the case where a train operator was trying to follow the cleaner who is cleaning the trains into their what we call mess rooms, where we have our food."*

Incidences of sexual harassment were also reported taking place during events like conferences organised at external locations. Such events often require presence outside regular working hours and may also involve overnight stays in a new location making women more vulnerable and the mechanism for reporting sexual harassment unclear.

*"We went to a conference... and it was in one of the universities. and I remember being in a social, and we were all dancing, he came up, he was dancing with me...we left there and we were going back to one of the rooms because there were small parties going on...we were walking and we started climbing up some stairs...he had me by one arm and he yanked me upstairs [her voice breaks and she is in tears] and doing that, literally threw me up against the wall...and he told me, I am gonna rape you tonight."*

While in this case the sexual assault did not occur, the impact of those words and the threat contained within them, should not be underestimated.

Some of these external and isolated locations also arose out of the nature of the sector like care work where work was performed at the client's home.

*"We used to go to this man's house to take care of the son. And the man, the father who would just hug you. But then I realize, they are touching you inappropriately. So, I kind of asked a few people, and it was mostly the Black people. And then one of the ladies who was...like it is a quiet thing, that's how they do."*

Also, locations that were inherently male-dominated and isolated like prisons.

*"The majority of staff that work in prisons, particularly the ones in London, are Black women, that find themselves in spaces where they are isolated with a cohort of male prisoners. And I am hearing all sorts of stories of you know, rubbing their hands, touching their hair."*

The participants were of the view that sectors like care and cleaning lack regulation, due to which working hours are 'anti-social.' Such locations become more susceptible to sexual harassment incidences as there is a lack of monitoring or motivation to address clients' actions for fear of consequences and a lack of witnesses should sexual harassment take place in such an isolated environment.

*"They are cleaning offices or hotels, they are often having to work in conditions where they might be responsible for cleaning and it's just them by themselves where, you know, the rest of the office has gone home... and it also means that it's very difficult for them to have witnesses to the things that they experience... these are incidents that took place in bedrooms, in saunas, or changing rooms or storage rooms. So, these are spaces where there are also no cameras, and so it becomes really difficult for them to... to have evidence."*

Workers in these sectors often have non-permanent employment contracts like in the case of agency workers, and their work continuity depends on clients' feedback, often leading to normalising of sexual harassment. Also, some participants made a case for

including the spaces of their volunteer work too within the scope of workplace as even if unpaid, they had delivered some kind of work while acting as a volunteer.

*"I am just bringing the church in as the workplace because we volunteer. We all volunteer, you know, Sunday school and all that stuff... If you go to your pastor, there is sexual harassment in the church... it's a workplace because it's a voluntary work."*

In addition to physical, advances in technology have extended possible locations of sexual harassment to virtual spaces like social media platforms, WhatsApp groups and emails.

*"We have got a couple of Black women friends who have also got Tik-Toks that is specifically to do with them being train operators, women, train operators and the nasty comments that they get. I mean the white woman gets a lot of comments as well, but it's the type of comments that the Black women get. It will always have a racial undertone or overtone. It's very specific what they say about our bodies."*

Platforms like WhatsApp, where direct sexual harassment was not experienced by the women due to lack of membership of the groups, but they were informed about the sexual conversations targeting them through their male allies who were part of such groups.

*"I was told that actually there is a male only WhatsApp group. Right. And also, within that male only WhatsApp group, a couple of the men have come out of it because of certain things that have been said even about me and other women at my depot and my depot has now got quite a few Black women. So, it does make me feel sick."*

*"It's done in WhatsApp groups where men, you know, decide to talk about us in a sexual manner, or objectify us in while we are not there. So, we are not there to police it or witness it ourselves. But we hear about it."*

Women expressed a sense of fear and exhaustion that is associated with such information thinking about if such discussions taking place on virtual platforms would convert into perpetrators' actions in real spaces. They reported instances when sexual harassment in real spaces had followed from sexual objectification of women in virtual groups.

*"You don't know how far to take it in your imagination, how far this person, if they are going to keep it to these groups and say the things that they say or they are going to try and take it further. And further things have happened... at my depot, in regard to men saying things within a group and then because it's been said about the person then they have been a target of sexual harassment."*

#### **4.6 Witnessing sexual harassment of Black women at work**

Beyond personal experiences, we explored Black women's experiences of *witnessing sexual harassment* of other Black women at work to gain broader understanding of types

of incidents occurring, how Black women bystanders react when incidents occur around them and how bystanders are viewed by targets. Table 4.6 shows the difference types of sexual harassment of Black women that respondents had witnessed. The survey also showed that while 11% of respondents had observed or were told about a single incident of sexual harassment, 33% said that it was part of a pattern of incidents occurring more than once.

**Table 4.6 Sexual harassment of Black women witnessed in last two years**

<b>In the last two years, have you witnessed or been told of any of the following types of unwanted sexual behaviour towards Black women in your workplace, including at work related social events, meetings, and conferences? (select all that apply)</b>	<b>Percentage</b>
None of these	61%
Black colleagues receiving unwelcome jokes of a sexual nature	26%
Black colleagues receiving unwelcome comments, sounds or looks/staring of a sexual nature about their body and/or clothes	23%
Black colleagues receiving unwelcome verbal sexual advances, invitations, propositions, and/or the offering of gifts not accompanied by threats or demand	13%
Black colleagues receiving unwelcome questions/comments about their sex life?	13%
Black colleagues receiving unwelcome verbal sexual advances, invitations or propositions accompanied by threats or demand. For example, demands for sexual favours in exchange for favourable treatment or opportunities at work, or demands issued as a threat concerning their job.	10%
Displays of pornographic images, drawings, images, or objects in the workplace	4%
Black colleagues receiving unwanted emails with material of a sexual nature	1%
Black colleagues receiving unwanted messages with material of a sexual nature on social media	1%

Participants who had witnessed sexual harassment and got involved in further action had faced retaliation which had negative consequences for their own careers and safety. This fear can impact the willingness of bystanders to call out sexual harassment as only 10% of the survey respondents reported challenging or calling out sexual harassment even when almost double the number (18.3%) reported speaking to the victim to support them.

Bystanders were worried that reporting or calling out sexual harassment might hurt their career (13%), they would be treated badly by their manager (6%) or lose their jobs (6%),



and it would negatively impact their day-to-day relationships with peers and colleagues at the workplace (19%).

**Table 4.7 Bystanders' responses to sexual harassment of Black women**

<b>Which one of the following statements comes closest to your experience when you witnessed or were told about sexual harassment of Black women? (select all that apply)</b>	<b>Percentage</b>
I didn't report it	25%
I spoke to a friend or colleague about it informally	25%
I spoke to the person/people being targeted	18%
I did not challenge/call out the sexual harassment	15%
Can't recall	14%
I challenged/called out the sexual harassment	10%
I reported it to my trade union rep or my trade union	10%
I reported the sexual harassment to my employer, but it was not dealt with satisfactorily	7%
I contacted a third-party organisation e.g. a charity working on sexual harassment	6%
I reported the sexual harassment to my employer, and it was taken seriously and dealt with satisfactorily	4%

The most striking point about Table 4.8 is the low level of confidence and trust shown by bystanders in reporting processes. In the absence of proper investigation or action against perpetrators, bystanders often found themselves the perpetrator's next target.

*"It's very hard to speak up. And I am someone who speaks up, I defend others. And I know that's why I crossed him as well, because he was trying to damage someone else's career in a very, very serious way for her and I stopped him. And then after that, things also began to change."*

In some instances, bystanders were advised by male colleagues or allies to change their behaviour.

*"A male in particular was being rude to another female within the [WhatsApp] group. I have checked that person because I feel confident to do that. So, because I have checked that person, they are saying whatever they are saying in the other chat, and now I am being policed for it."*

**Table 4.8 Reasons Black women bystanders do not report or challenge sexual harassment of Black women at work**

<b>Thinking about why you didn't report/challenge the sexual harassment of Black women, which of the following statements comes closest to your experience? (select all that apply)</b>	<b>Percentage</b>
I didn't think anything would be done	24%
I didn't think I would be taken seriously	21%
I thought reporting would have a negative impact on my day-to-day work relationships with my peers/colleagues	19%
I don't trust the reporting and complaints process	18%
I was put off by the way previous reports have been handled	18%
Something else	18%
I didn't think I would be believed	16%
I felt I would be betraying confidentiality if I reported it	15%
The target(s) didn't want me to report it	15%
I thought it might hurt my career	13%
The harasser is in a powerful position in my organisation	13%
I did report the incident(s)	12%
I was unaware that I could report it as a witness	12%
I thought they would believe the harasser	12%
I thought the person who did it would get away with it	12%
I didn't know how to report	9%
I didn't see it as my responsibility to report it	7%
I thought I would be treated badly by my manager	6%
I feared losing my job	6%

Some participants stated that while victims of sexual harassment would share stories with trusted colleagues, they often would not undertake any formal action or reporting. This meant that bystanders would remain silent too while knowing that sexual harassment had happened and also knowing the identity of the perpetrator. It left them with a sense of helplessness and confusion not knowing how to act around targets while carrying a kind of moral burden.

*"I had heard the stories, people would talk to me, and our staff, colleagues and members will talk to me, because I wasn't seen as, as one of them. And so, I had these stories going around in my head means I can't look at certain people who are in our, in our organization, in our movement, because I know how they behave."*

In this context, participants who were union officeholders expressed frustration at the reporting process which does not maintain anonymity of the complainant and compromises the safety of bystanders.

For sexual harassment targets, bystanders can be an important source of support as well as evidence which can sometimes be difficult to gather. One participant highlighted how she had deliberately made the perpetrator visible to others in order to get witnesses to come forward.

*"I have had to strategically get people to follow me around to see that this person is following me around and the fact that whenever they sit next to me, they are trying to sit extremely close next to me and hop themselves over me...but guys are seeing this, they are starting to see it and say things."*

If an incident is witnessed, it can potentially be significant for the victim when it comes to reporting and taking further action. Also, in many instances, interventions from superiors or colleagues in support of the target, reprimanding the perpetrator had worked to resolve the issue nipping it in the bud without need for escalation to the formal reporting process.

*"I was very fortunate that it was witnessed. And he was taken to one side and very sternly spoken to at the time, and I could have taken it further, decided that he was sufficiently spoken to, he had come back and apologized to me afterwards. I accepted it as that."*

The impact and power of bystanders coming forward in support was highlighted in the case of a participant who had fought a sexual harassment case for three years and had finally won an Employment Tribunal case with testimony from a key witness.

*"We had around 13 persons working in this office. And every one of the 13 persons came to the tribunal and gave evidence against me. And I had only one friend who used to know me a long time before. And she stood up, ... and thank God that the tribunal took with her evidence, much more than these 13 people."*

While the mental agony of going through sexual harassment was acutely felt, the support of bystanders and their implied trust in victims helped them to cope during the investigation process which can be extremely stressful.

*"This member of staff who is senior than me defended me by saying that she knows me very well and she knew that something wasn't adding up...so I thought to myself, OK, whose mask is finally coming down? And people are seeing him for who really is and that gives me some sort of justice."*

On the other hand, the silence of witnesses was dubbed by many participants as complicity in the act of sexual harassment. Participants stressed that lack of allyship creates a culture of silence within the workplace that supports and encourages perpetrators.

*"He did it in front of everybody, he asked me that in front of everyone and everyone was silent. In that way. I felt like everyone was complicit (affirmations from other participants). When people know about this and do nothing about it, then they are just as bad as the perpetrators. They are complicit in all this...if they keep quiet."*

## 4.7 Reporting to employers and unions

### *Reporting to employers*

58% of survey respondents declared that they did not report the incident to their employer (see Table 4.9). This is less than previous surveys. In 2016, the TUC found that as many as 80% of women do not report sexual harassment (TUC, 2016). This higher proportion of formal complaint is probably linked to the fact that the survey was carried out among women who, in 35% of cases, were union reps or who were sufficiently close to the unions to have responded to the survey, and therefore undoubtedly better informed and supported to report sexual harassment. The survey also shows that there are more formal complaints in the public sector than in the private sector or the third sector, but also slightly more in female-dominated professions. These figures should be treated with caution, as most of the survey respondents work in the public sector, but it can be assumed that the procedures in place are more constraining in the public sector (which is also very feminised and more unionised) than in the private sector, particularly in small businesses.

**Table 4.9 Experiences of reporting Sexual Harassment to Employers**

Item	Percentage
Did not report to employer	58%
It was dealt with satisfactorily	8%
Not sure	8%
The way my employer handled it had a negative impact on my day-to-day work relationships with my peers/colleagues	5%
It was not dealt with satisfactorily	4%
The process for investigating reports was not followed	4%
I was not taken seriously or believed	3%
I wasn't aware of any action taken in response to my report	3%
I was invited to a 'restorative meeting'	1%
My workstation location/role/duties/department were changed in order avoid the harasser	1%
I was encouraged to 'drop' the issue	1%
My line manager/management treated me worse for bringing it up (e.g. denial of promotion/training opportunities, transfer, reassignment to less favourable work, scheduling changes)	1%
Someone talked to the harasser to ask them to change behaviour but there was no follow up to check this had happened	0%

My harasser was only approached informally	0%
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However, formal grievances or complaints remain occasional and complicated. Most survey respondents chose to confide in a Black or white friend/colleague at work, or friend or family outside work (see Table 4.10). Various and multiple reasons explain why victims do not report sexual harassment (see Table 4.9). Extant literature has shown that Black women are less likely to report sexual harassment for fear of not being believed as well as from a heightened fear of reprisals (Golden, 2019; Jones & Wade, 2020). The survey confirmed that respondents were afraid that they would not be believed and taken seriously. Some did not wish to disclose what happened to them out of shame or embarrassment, or the fear of revisiting this painful experience. A key barrier potentially impeding Black women from reporting sexual harassment is the taboo and shame associated with being a victim (TUC, 2016; Fielden et al., 2010). When it comes to sexual harassment, as with other forms of gender-based violence, it is often the victims who are being scrutinised.

*“And the other issue is, and I'm really so sad to say this, but it can be uncomfortable, for instance, as a Muslim woman to go to a Muslim brother and tell them because they first of all, you get judged, first of all, like, if you cover yourself properly, or whatever, you know, like there's certain judgments there. And it's very difficult. So, it's complex. It's very complex, and for the reasons for why things are underreported.”*

*“I won't be able to get those text messages back unless I go to the police and me going to the police means my family will know, his family will know the school is going to disrepute. The whole, it will become public, like the Monica Lewinsky and Bill Clinton case. And I don't want that for myself because I still got my whole life ahead of me. I am only 31. So, and unfortunately, we live in a world where women are blamed for the sexual harassment if they are getting sexually harassed themselves. Or they say that to the woman, are you sure you haven't done anything to invite that. They blame the woman for it.”*

**Table 4.10 Reasons for not reporting sexual harassment**

<b>Still thinking about the most recent incident, why didn't you report the sexual harassment to your employer? (select all that apply)</b>	<b>Percentage</b>
I didn't think I would be taken seriously	38%
The harasser is in a more powerful position in my workplace	32%
I thought the person who did it would get away with it	31%
I was ashamed, worried, or embarrassed	26%
I didn't want to revisit the incident	26%
I thought it might hurt my career	26%
I didn't want anyone else to know	25%

I didn't trust the complaints and grievance process	25%
I thought reporting would have a negative impact on my day-to-day work relationships with my peers/colleagues	25%
I was put off by the way previous reports (yours or someone else's) were handled	23%
I didn't think I would be believed	22%
I was fearful of retaliation by the harasser	20%
I feared losing my job	18%
I thought I would be treated worse by my manager	15%
I thought the person who did it would be believed	14%
Another reason	12%
I did not know how to report the incident	9%
The harasser is an elected union representative	5%

Moreover, male-dominated work culture tends to euphemise acts of sexual harassment, framing them as jokes, and making it difficult not only to identify sexual harassment, but also to complain about it. Women are often stigmatised as not being able to take a joke, not being funny and being rigid which can compromise their integration into work teams where they are often in the minority as Black women. National cultures can also expose women to unwanted physical proximity, such as the kissing ritual in France, what some participants described as cultural sexism.

*"I was the first black woman [appointed in my area] so actually make history and things. And I remember one of the [managers], one of the nights, I was in the lift with him. And he turned and goes you lovely, aren't you... had that every time I was with any of them, working with any of the guys in there. And I said to him, what do you mean, you know what's going on? And he proceeded to walk towards me with his hands towards my breasts. And I said to him, you touch me today and that will be the biggest scream that you ever heard. I said the whole of this [workplace] will hear my voice. So, I said remove your hands. Anyway, I went to my [manager], and I told him about it. And he said to me, did he touch you? I go no and told him that he backed off. And he's like, oh, he is only joking."*

On the other hand, in industries where employers have a duty of care, such as education, sexual harassment tends to be framed as a well-being issue which contributes to undermining its reality and seriousness.

*"Schools are an interesting place, because they have got to make sure that they have got these mechanisms in place for students, especially female girls. For our staff, I guess it's just kind of a form, you can fill in to say everything is either perfect at school or everything is horrible at school, and someone will get back in touch with you. I think it comes down via the well-being route rather than the legal route in my school, where if somebody is*

*struggling, then they can get that support rather than this is specifically for sexual harassment."*

The fear of the consequences for their day-to-day work relationships with their peers/colleagues, their job or their career was mentioned by survey respondents as a barrier to reporting (see Table 4.9), confirming extant literature on the fear of reprisals and victimisation (Cassino & Besen-Cassino, 2019; Fielden et al., 2010; Marin et al., 2020) and fear of ostracism (Brown and Battle, 2020). Focus group participant insisted on the fact that victims run the risk of being punished for daring to report their attacker, by being transferred or relocated for example, or be exposed to a grievance or a disciplinary action as one woman experienced when she was reproached for confiding in a colleague.

*"In my investigation they said that that I have a disciplining case to answer for because I confided in a colleague. But I have already disproved the grievance by saying that I didn't tell lots of people. I only told one person in pure confidence and that person should not have told anyone."*

In relation to the reporting process, although 8% of the respondents indicated that the issue had been dealt with satisfactorily (see Table 4.9), many respondents indicated their dissatisfaction as the process for investigating reports was not followed or no action was taken following their complaints. Focus group participants indicated that the complaint process often resembled a tick boxing or compliance exercise with no enforcement mechanisms. In male-dominated industries, such as transport, employers display zero tolerance, but do not implement it.

*"In transport, once a woman, especially even a black woman, makes a complaint of this nature, she is punished. So, what that means is, if my, if my workplace, that my usual, this is my career we are talking about, so my usual journey of commute is to this particular station, area depot. I am now told, well, you have put in a complaint, the only option I have is to move you, not move them, move you. And sometimes, while like I said, while these claims are going through, it's difficult for you to then apply for other things. Because of the you know, the stress, the embarrassment, the trauma, etc., etc. But also knowing that this person is still in their workplace. So, you know, I don't believe for my industry specifically, that employers are doing anything apart from spinning, they are not taking it seriously. They will say that they got zero tolerance. That's not true. Absolutely not true."*

It is now widely accepted that it is organisational conditions rather than individual characteristics that are the most powerful predictors and mediators of sexual harassment (McDonald, 2012). Two organisational factors have been found to increase women's exposure to sexual harassment: job context (gender domination by men in a work group) and organisational context (O'Leary-Kelly et al. 2009).

(White) men who are often in positions of leadership support each other and maintain a culture of impunity. This collusion makes things very difficult for victims, who are often afraid of these powerful men and end up either keeping quiet or even going off sick, knowing that the person who harassed them would get away with it. As shown by the

survey (see Table 4.10), the fact that the harasser is in a more powerful position in my workplace is one of the main reasons for not reporting sexual harassment.

*"I would say in regard to that question, a lot of women don't report sexual harassment because they are not listened to, they are not heard, basically, and they are not taken seriously at all. I have seen situations where things have been reported. I know of a case where a member of staff was actually sacked from the job before I joined the company. They were in a quite a high managerial position. And then the company rehired them. Just to find themselves back in the same situation, being accused of actual rape. And they are still in the job. This is a white man, and the victim was a Black woman. It's literally an old white man's club and a lot of the practises that they had from back in the state, back in the day, they are still carried on through till today, even though the demographic has changed vastly, they are still trying to hold on to that old culture."*

The under-representation of Black people, and even more so of Black women, in positions of leadership is one of the factors contributing to the under-reporting of sexual harassment. Reporting is particularly problematic where the perpetrator is a line-manager (quite possibly white and normally the person to report issues to) or where a Black woman has another marginalised identity that makes her especially vulnerable (such as migrant status) (Villegas, 2019; Welsh et al., 2006).

*"I think the employer is very good at putting these things in place on paper, they are really good at having it on paper in post 16 education for example, we all have to, we are all mandated to do this online training. But that's as far as it goes. There is no real follow up on that. And again, it's about protection. So particularly if you are putting a complaint against the manager, the automatic default for senior managers is to support their own middle managers and senior managers."*

**Table 4.11 Responses to sexual harassment**

<b>Still thinking about the most recent incident, in response to the experience did you: (please select all that apply)</b>	<b>Percentage</b>
Take no action	31%
Confide in a Black friend/colleague at work	29%
Confide in family/partner	29%
Confide in a friend outside of work	26%
Confide in a white friend/colleague at work	22%
Directly challenge the person/people responsible for the discrimination/harassment/victimisation	22%



Report the incident to a union rep (or seek advice from your rep)	17%
Report the incident to your manager	13%
Report the incident to another manager e.g. Head of Department or line manager of perpetrator	12%
Seek advice elsewhere (e.g. a helpline, Employee Assistance Programme, a community organisation)	6%
Do something else	6%
Instigate a formal grievance procedure	5%
Report the incident to (or seek advice from) HR without instigating a formal grievance procedure	3%

Once they have the courage to take their case to court, Black women face a number of obstacles, starting with the need to provide evidence, which may lead them to withdraw their complaint. The survey clearly indicates the very low number of women who instigate a formal grievance procedure (see Table 4.11).

*"If you take this to a tribunal, you need to make sure that you have got dates and times. And, you know, if you have got all of that down, that's what you can use to go against them.*

*So, most of these cases that I get, it's always the person's word against the manager, there is no evidence, there is no proof that it's happened. And so, with all that, sometimes you just have to step back because of no evidence or no proof."*

### Reporting to unions

In the context of the negative experiences of reporting to employers, unions have a critical role to play in representing the interests of Black women members who have experienced sexual harassment. However, 66% of survey respondents said they had not reported the problem to their union and 12% said they were extremely unhappy with their union's response.

**Table 4.12 Experiences of report sexual harassment to union reps/officers**

<b>Still thinking about the most recent incident, how happy were you with the response of your union rep or official</b>	<b>Percentage</b>
I didn't report it to my union	66%
Extremely unhappy	12%
Moderately happy	8%
Not sure	7%

Extremely happy	3%
Moderately unhappy	1%
Slightly unhappy	1%
Neither happy nor unhappy	0%
Slightly happy	0%

Some focus group participants recounted union responses that tend to put the blame on the victim or doubt their word, citing the risk of false allegations.

*"I am presenting the case in front of our branch committee and saying why this is so important, why we should support the employer in putting this into place. And nobody bar one was kind of for it. The guy that was most vocal against it, again, an older white guy. And his response was, what about false allegations? And I just thought, we have got an employer here that is trying to be part of the change. And again, it's a middle-aged white man, that is trying to stop it."*

The prevalence of a masculine culture and the bonds of friends between (male) reps/officers as well as the absence of Black women reps, often leads to a lack of support, or inconsistent levels of support, from the branch, or that the branch representative sides with the perpetrator, particularly when it is himself a union member/rep and minimise the complaint.

*"So even in one instance, where I was involved with a white woman who made an accusation of sexual harassment. The Union did the right thing. The panel came down on the right side, the member was essentially kicked out of the Union, but didn't stop his mate then going into every meeting asking about it and harassing this woman again. And it just creates this, this culture where you are constantly protecting the perpetrator. And it always means whoever is the person who has been subjected to the sexual harassment has to face their perpetrator in front of a group of people who they may not know and who may be mates with this person who is now going to try and convince them that you were wrong, and he was right."*

The few Black women who are local reps are therefore often over-solicited because they are best placed to listen to victims' complaints and understand the racial dimension of sexual harassment, which leads to extra workload for them.

*"Because local reps, really sometimes like myself, I work full time, I have a lot of other stuff, it's very difficult to assign the right amount of time to deal with some of these cases. Okay, and it's not a gatekeeping thing. But it's the same as Participant 1 was saying, there are certain people you would not want to trust with a bargepole to go near any of these cases. So, then you take on an extra workload, and it's really unsustainable. It's very difficult."*

*I get hunted down a lot. I am sure Participant 3 does too. As a Black woman, as a Rep for these cases because the last thing you want to do is go to your*

*local Rep and it's a white man and they just don't understand the dynamics and the intersectionality of being a Black woman in industry."*

However, focus group participants indicated that victims often back out even with the support of a Black woman rep, in particular for fear of the lack of confidentiality of the process or other legal challenges including retaliatory defamation claims or negative repercussions on their job or career.

*"I am the Branch Rep of my workplace. These issues get reported to me. But at the end of the day, when I come in one to one with a person, they always back out. No matter how I promise or tell them, I am going to support them, or get them to have justice, they come back to me and say, you know what, I don't want to go ahead with it. And I always feel so bad because at the end of the day, they don't want to go ahead with it. But the only thing I do is because luckily, I sit on my work Council, I take it there without names. I take the name of the manager involved, but not the name of the staff, I say this was done, but the person will not take it further. So, I make them know that this would have happened, but the person is not agreeing to come forward."*

The same difficulty in understanding the intersection between gender and race, and racism can be found among trade unionists.

*"We and our workplaces have sexual harassment policies. A lot of places will also have a dignity at work policy or an anti-bullying policy. But a lot of employers and dare I say in this space, a lot of our representatives and union caseworkers don't realize and understand how they can intersect. They will see that the issue is either sexual harassment, or it's racism, not making that connection, that if both of these things are true at the same time and need to be treated as such, and not separated."*

One of the participants pointed out that when the notion of intersectionality is used in the trade union world, the racial dimension is often forgotten or undermined. This is also an issue that victims and their union reps encountered when they turned to the union's legal department or the law firm with which the union works, which assesses the merits of the complaint and asked the plaintiff to choose between a complaint for sexual harassment, racism, or race discrimination. The intersectionality of the issue is very difficult to defend in court, and the racial dimension is often downplayed or ignored.

*"And the answer he also gave now, and this is why I'm confused sometimes, by the whole race, and other harassment or how there's a mix. He said from the legal department when things are raised, they have to say so when you fill in the form to the employment tribunal. They look at all the factors laid up by the member. And they have to decide which one outdo the other because in court, having a case of for instance, race, racism, and sexual harassment will not lead to anything, one will have to outdo the other for you to have them presented. But I as a rep, I have in my mind, now I need to look at it. I would go in on the racism or going on a sexual because if not, my union, I'm sorry to say that they think that they're gonna reject that."*

*I know from speaking with our lawyers, our legal team at work, and if you have any case of potential discrimination, because it's so hard discrimination in general is so hard to prove. Yeah, that they do when it gets to the point that you're going to tribunal, they do have to decide where is the evidence strongest. And unfortunately, that does mean, wrongly in my opinion, that you have to choose between is this sexual harassment? Is this racism?"*

#### **4.8 Support for targets and prevention of racialised sexual harassment at work**

A recent ILO report (ILO, 2024) has found that addressing gender-based violence and harassment at work solely through complaint-based equality and non-discrimination legal framework, with no external monitoring or enforcement, has hampered the realization of the right to equality at work. Many focus group participants shared the view that union efforts should be focused on preventing and halting harassment, rather than simply remedying harassment that has already occurred. Training and education have been identified as important, albeit not sufficient. If it is made compulsory for everyone in the workplace and trade unions and designed and organised by Black women.

*"My background is actually on violence against women and girls. And I tried to push for training to be mandatory for all my colleagues. And it was like an extensive, like one day, kind of like training where they could be really aware of what it looks like. And that's what everyone like, not just for men, but for women, too, so that we could see the signs."*

*"I think there needs to be, there needs to be some glossary with what would, what with regards to what is classified as sexual harassment. And it's not you know; it's not just touching. It could be a myriad of things."*

Most managers have never dealt with a report of sexual harassment in their workplace. Line managers should therefore be trained and confident in implementing the organisation's policies and dealing with any concerns or complaints. The same need for training exists among trade unions, and some of the participants have set up a network of ambassadors, including men, to raise awareness of sexual harassment among employees. This collective approach may allow the possibility of overcoming some of the limitations of training programmes. The efficacy of sexual harassment training has been found to be limited (Hayes et al. 2020), because of the focus on changes in behaviour at individual level and the lack of attention to issues surrounding the occurrence of sexual harassment, such as sexism at work, power abuse or imbalance and gendered environments. The prevalence of latent racism in the workplace makes it more difficult for Black women to receive effective sexual harassment prevention training.

*"So, in my unit, we do stuff on sexual harassment in the union anyway, we're doing campaigns on it. So, we're trying to get the policy written up in the workplace for sexual harassment, but then when I put it in the workplace, they're saying that they've got other things in place already. So, what we're doing at the moment, there's a white ribbon programme. So, this is what we're doing it in the NHS anyway. So, we've got an ambassador, and we got*

*champions as well. So, I'm the champion, the ambassadors are the men. So, we are using it, so the men are involved in it as well. So, we have regular meetings where we discuss violence prevention then against women and girls."*

When it comes to trade unions, extant research has shown that Black and minority ethnic workers are more likely to approach their workplace rep if he or she is Black as well, which poses a problem for trade unions because even in racially diverse workplaces, such as the NHS, Black workers are under-represented among reps and union officers (Kirton & Guillaume, 2022). Some focus group participants therefore argued that it was critical to have more Black women union reps.

*"So, I was also thinking along the lines of, a lot of times the people to report to, people would not want to go to them. So, if we have, such organizations, having people that would understand in terms of like, being a Black woman, who would understand because, I'm a union rep, and my, my department has had a union rep, which was quiet for a long time. But then I came to join in. And then now people are telling me things that happened like 10 years ago, because they couldn't go to this person. And it's not, nothing can be done about these issues, because it happened long ago. So, it's all because of the person who has to handle it. It's not somebody that people come to."*

However, participants also underlined that there is no mechanical link between being Black and understanding the racial dimension of sexual harassment, hence emphasizing the importance of training.

*"You said you asked for a black counsellor. And you thought they understood more, which perhaps that particular one did. But I was at a panel, let's call it a kangaroo panel, recently, and someone said to me, who was a brown woman and a very educated brown woman allegedly, I mean, as far as actual qualifications are concerned. She said to me, I don't understand why or what racism you mean. So, I don't think we can make this assumption that people who aren't us, who are informed about these things, understand that all the elements of a hostile environment, are actually called racism. So, we need to educate people. Everybody, bring their level of education up on racism and sexism, harassment, victimisation, when you use the word victimisation, people think they don't understand the actual legal definition of victimisation up to making protective that no one understands that. And however, many degrees they have, they do not understand whatever the colour of their skin, there is only a small group of us who understand that. So, we need to lift up the education, all the professionals that the unions represent in all the workplaces."*

Some participants also stressed the need for a network of specialised union reps to preserve the confidentiality and fairness of the complaint and reporting processes, particularly where everyone knows each other well, in the workplace or within trade unions.

*"There is nothing that's empowering the reps to be able to deal with it because you really need somebody who specialises in it and that can dedicate the time from the first instance of reporting. It's too many people knowing your business. You will find that in a lot of the [company] structures, people know people very, very well. So, the lack of independent investigation or anonymity, because even though they say it's confidential, it will never be confidential. Some way somehow it will get leaked somewhere, somehow this accusation and it will be obvious whoever put that accusation forward. So, our structures do not protect Black women at all who already have enough discrimination to deal with initially before we come to a situation where there might be a power dynamic."*

The introduction of anonymised reporting systems, and the need to conduct in-depth investigations, were also mentioned as conditions for genuinely tackling issues of sexual harassment, and more broadly gender-based violence, by identifying people whose problematic behaviour is recurrent. Extant research has shown that a clear process needs to be communicated to all staff about how to raise a grievance or a complaint and to whom, so that everyone in the organisation understands how to raise any concerns and what steps will be taken. Confidentiality is critical during an investigation of a complaint, whether the process is formal or informal. This protects the complainant from any further disadvantage, including retaliation from the harasser, but also gossip among colleagues.

*"When it comes to reporting. So, a lot of the time action can't be taken because you can't have a full investigation. But what the employer can do is keep a list of people that are being complained about. And if they start to see a pattern of behaviour from the same person, same type of complaint, then they can start to take action."*

*"I think there needs to be a thorough investigation. A thorough investigation needs to be carried out and not just a yes or no case closed ... Questions need to be asked. I think there also needs to be a thing whereby other people need to be asked about the perpetrator's character as well. You know what is this person like? Have you had any incidents with this person, etcetera, etcetera."*

One of the roles of union reps is to ensure that the complaint processes in place are effectively followed by the employer, including if this leads to the punishment or dismissal of the harasser, or even to criminal procedures.

*"Following through with the procedures that you say you have in place like there's all of these documents, there's lots of rules and procedures, there's codes of conduct. They need to be used rather than skirted around and you know trying to find ways of saving people's jobs and things like that. It's like at the end of the day, if you are bold enough to be breaking the rules, then you clearly don't value your job, so there shouldn't be a fear of getting rid of people that need to be gotten rid of at the end of the day. And I just find that a lot of the rules and procedures, the codes of conduct, it's all just paper exercise. They are not actually being implemented and followed through. So those things need to happen. I would agree with, agree with Participant 1*

*that the police would also need to be involved so that people actually have a fear because right now there is no fear."*

*"If we want it to be taken seriously, people like the police should be getting involved in this. So, I need to, actually, through this research, I think we need to be possibly getting the police to come and actually have conversations as to what they do. And how often they do get these reports, and maybe that should be our new strategy. I mean that's what we do in unions, we organise, and we fight. So maybe that's a way of doing it, actually going through the police, and making them do some work because actually they have, what's the word...Taskforce. They have got special taskforce that can deal with these types of things, and they have the resources to then go and actually investigate what Participant 2 was saying in regard to if the person has any priors, actually sees their electronic devices to see if they are doing anything underhand at home, etcetera, etcetera."*

As far as victims are concerned, the participants identified various union roles, starting with some support in the process of documenting the facts. When there is a formal complaint, unions can assist employees in making their case of sexual harassment by providing clear and safe reporting routes as well as locating other witnesses or by providing evidence of prior instances of harassment from institutional memory (Hodges, 2004). This can help to identify patterns of harassment, avoiding repetitive harassment and promote a collective and systemic treatment of the problem.

*"I'll say to my members, okay. Obviously, when we go to your line manager, they are not going to agree to that. So why don't you start making notes, writing down some of the things that he or she is saying to you, you put the date down and the time, if possible, because what you are doing, you are building a profile, in terms of what the manager is saying, when it's happening, and how he is saying it as well. But you need to be very active on, you need to be proactive. It's not just about what we are discussing today. It could be various other issues, bullying, harassment at work, that's what I say to my members., Just make sure you have a small notebook when you...whenever something happens, write it down, because you are not going to remember everything, but when you write it down, you can go back a few months, years, whatever that will be there, that's going to be your proof, you know, for you to be able to take it on. And it does work quite well, because I find a lot of my members do that."*

Some participants complained that unions were very selective in the complaints they support, and that women did not receive the legal support they should.

*"I would like that the legal, to get legal support through the union, is that you have to have more than 51% chance of winning. I think for race cases that's just, I just think it's really hard, that it's just 51%, it should be easier to get legal support. And I think that's a really, really big problem. And I think that's why unions don't support race cases. And, and I think that needs to change."*

Some argued that it was important to initiate a litigation process quickly to prevent things from dragging on, while others stressed the importance of listening and providing safe spaces for expression of Black women's lived experiences, and resolving conflicts informally, pointing out that one of the victims' concerns is that the harassment should stop in the first place. Participants stressed that union role is to support victims and assist them in formal and informal actions, whether it is emotional support and assistance in determining how best to resolve the problem. Union assistance may empower victims to confront the perpetrator and end the harassment without the need for a formal complaint. It is therefore critical to create informal channels for members, union staff, and others to report harassment quickly, before it escalates, without having to resort to formal mechanisms (Avendaño & Seebrook, 2017).

*"We work for a company, a transport company, very big one, you know it, and trust me, they will have you waiting for months going through the process. So, there is a lot more that needs to be focused on. I would say, sorry, a suggestion to incorporate going through to employment tribunal as soon as possible to at least get the ball rolling, because of the fact that the cases, when you know, whether it's through the union, or whether it's through employers, that takes so long, and it's the potential to timeout. And it's hurt so many of my, my sister comrades in my workplace, because, you know, it's taken ages, you know, to get things, you know, to a stage."*

*"But the other thing is, I agree with you that what, what was really said is, if we turned everything around in the workplace, and said that when people speak up, they are listened to, and there is no risk of punishment at the end. And we try and resolve, and the onus moves into trying resolving things informally. Because, you know, I think most people just want to be heard, and would like to have, you know, have a three, three-way conversation with the person that's hurting them, someone else, but usually, when you report it, they say, oh, no, this has to be formal, which is a very scary thing."*

Echoing the recommendation of the ILO report (ILO, 2024) to implement legal obligations to conduct a gender-responsive risk assessment as an important precondition for effective prevention of gender-based violence and harassment, some participants suggested treating the prevention and resolution of sexual violence as a health and safety matter, to be integrated into their health and safety policies and consultations, or negotiation with trade unions.

*"This is a workplace hazard. And any workplace hazard needs to be risk assessed. That's law. That's not me saying this. This is health and safety legislation. I think we have got to put that at the top of our demands when this is happening and we need to look at ways of making sure that when we are talking about delivering training or talking about how this looks, that we are talking about it as a stressor, as a hazard and under health and safety legislation when it comes up, we need to be assessing it as such. One of the most important things we can say, and we need to ensure that we include*



*and embed that in all the work we do around safety in the workplace, really important.”*

## Conclusion

The latest to utilise the framing of experiences within varying social spaces where discrimination experienced is further compounded by layering of race, gender, class and sexuality is American civil rights advocate Kimberlé Crenshaw, who famously said that 'women of colour can be erased by the strategic silences of anti-racism and feminism' (Crenshaw, 1991:1253) within social movements. Intersectionality has been referred to from as early as Sojourner Truth and WEB Du Bois and continues to be applied as a lens through which to articulate lived experiences when engaged with societal instruments such as law, employment, education, housing, and health care. This research carried out on behalf of the TUC acknowledges the potential for this 'erasure' and sought to hear and listen to Black women's voices as regards their experiences of sexual harassment at work.

While many of the sexual harassment at work experiences Black women reported bear similarity to previous studies without a specific focus on Black women, the striking theme coming through this research is the way that Black women understand and experience sexual harassment through the prism of race and racism. This was evident whether we were looking at types of sexual harassment experienced, perpetrators, locations, target responses, impact on targets and bystander responses. Many of the study participants commented that it was only when they were invited to tell of their experiences that they came to realise how frequently they had experienced sexual harassment over the course of their working lives as well as before in educational settings for example.

What is also very striking in this research is the frequency, and normalisation, of behaviours which are not directly related to a physical attack or abuse such as unwanted sexualised touching or even sexual assault, but to more discreet behaviours such as unwelcome sexual advances, jokes of sexual nature, questions/comments about your sex life, comments, sounds or looks/staring of a sexual nature about your body and/or clothes.

This hyper-sexualisation of Black women and the authorisation that men, most of them white, give themselves to give vent to this gender-based ordinary violence, is deeply linked to the expressions of negative gender-based attitudes that diminish women in general and/or Black women specifically who are paradoxically also diminished by the desexualisation and objectification they face. These discreet attacks, which fly under the radar of legal proceedings, make up the bulk of the sexual harassment suffered by Black women, although they themselves sometimes fail to identify them as such. This is why, upstream of the procedures for handling complaints or even designing new health and safety policies, including the prevention and reporting of sexual harassment, it seems important to create spaces for expressing and raising awareness of experiences, to help Black women naming their day-to-day exposure to gender and race-based forms of violence as forms of *racialised* sexual and gender harassment.

As numerous studies on discrimination have shown, we cannot eradicate the inequalities or violence we face if we do not name them.

Previous research has shown that most individuals who are harassed are not interested in filing complaints, rather they simply want the harassment to stop. This research similarly finds little appetite among Black women for making formal complaints, but their reluctance is rooted in low confidence and trust in reporting procedures. Rather, Black women are concerned that reporting sexual harassment will only render them more vulnerable to discriminatory treatment which could also have a compounding effect on an already heightened vulnerability based on terms, conditions, and type of employment. The high concentration of Black women in low-paid, often insecure jobs, with high exposure to interaction with (male and white) customers, patients, or care recipients, exposes them to repeated forms of sexualisation and sexual harassment, making their working lives particularly challenging.

While it is important to improve risk assessment and reporting procedures, by systematising them and ensuring their confidentiality, it also seems essential to create the conditions for better understanding and sharing of knowledge on sexual harassment and more broadly gender-based violence, and its intersection with other forms of violence based on race (or other minority or stigmatised social identities). Black women whether they are victims/targets or witnesses have clearly indicated that they have dealt with incidents informally, confiding in people they trust, whether close colleagues or friends, and very rarely their line manager or HR. It therefore seems important that they can identify, on the employer or union side, a contact person who is sufficiently trained to hear them and advise them on the procedure to follow.

Participants in this research were very clearly hungry for action and called for a national campaign supported by the TUC and individual unions. Currently, some of the largest TUC unions have ongoing, public/member facing sexual harassment campaigns that while acknowledging intersectional experiences, do not offer any specific insight into Black women's experiences or any specific consideration of support needed, or preventative strategies required.

The over-exposure of Black women, and the ordinary and particularly aggressive nature of the attacks they suffer remains little documented and known. Many Black women have internalised this risk, at work and in public spaces, and implemented individual strategies to cope with it, which has a very significant cost on their health and well-being. It is time to make this increased exposure to gender and race violence visible and give these women a voice to articulate this specific form of collective harm they as Black women experience.

Section Six

## **Recommendations**

## **Recommendations for employers**

1. Employers should change existing workplace culture towards zero tolerance of racialised sexual harassment at work. This includes introducing safe reporting mechanisms, processes and policies that investigate reports and proactive action plans that outline preventative measures.
2. Employers should implement a comprehensive ethnicity monitoring system covering ethnicity pay-gap reporting, recruitment, retention, promotion, pay and grading, access to training, performance management and interaction with discipline and grievance procedures.
3. Employers should integrate the prevention and resolution of sexual harassment into their health and safety policies and work with trade unions to develop and implement these.
4. Employers should co-design with trade unions, and Black women, sexual harassment training that captures both its racialised and gendered nature.
5. Employers should provide appropriate support including counselling for employees who report instances of racialised sexual harassment.

## **Recommendations for government**

1. Strengthen and extend the Worker Protection Act to include prevention of harassment based on all protected characteristics, not just sexual harassment.
2. Extend legal protections to workers by increasing tribunal time limits and enacting dual discrimination provisions to make it possible to bring claims on the grounds of multiple forms of discrimination.
3. Deliver on commitments in the New Deal for Working People including the introduction of statutory rights for equality representatives.

## **Recommendations for trade unions**

1. Ensure there are dedicated spaces for Black women to exchange and share their experiences of racialised workplace sexual harassment and more broadly of gender and race-based violence. Where appropriate, sources and resources for those requiring additional emotional support should be available.
2. TUC to review existing sexual harassment resources in light of this research and update as needed.
3. Unions to undertake political lobbying to gain support for a national campaign on sexual harassment at work that recognises racialised sexual harassment, particularly working with Black women MPs.
4. Affiliates to work with the TUC's Union Legal Officers Network to identify strategic litigation where appropriate and conduct a review of the criteria used to decide

the merits of a legal challenge especially involving Black women and racialized sexual harassment

5. Trade unions to document the over-exposure of Black women to racialised sexual harassment, which includes introducing safe reporting mechanisms, processes and policies that investigate reports and proactive action plans that outline preventative measures.
6. Trade unions to build industrial responses to racialised sexual harassment, focusing on collective bargaining opportunities to ensure effective policies and processes are in place.
7. Trade unions to train more representatives – and recruit more Black women generally - who can act as specialists in the area of sexual harassment, and sexual violence, with a racialised approach, to support local branches.
8. Trade unions to critically evaluate their internal culture, policies, and procedures as regards racialised sexual harassment and develop action plans towards culture change.

## Section Seven

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<sup>1</sup> For example, see: Sexual-Harass-23-agenda.pdf (westminsterforumprojects.co.uk)

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<sup>2</sup> <https://www.opendemocracy.net/en/5050/workplace-sexual-harassment-cases-tribunal-conservative-party/>

<sup>3</sup> <https://www.acas.org.uk/sexual-harassment>

<sup>4</sup> <https://www.equalityhumanrights.com/en/publication-download/sexual-harassment-and-harassment-work-technical-guidance>

<sup>5</sup> Communication & Consultation CIPD

<sup>6</sup> [https://www.equalityhumanrights.com/sites/default/files/sexual\\_harassment\\_and\\_harassment\\_at\\_work.pdf](https://www.equalityhumanrights.com/sites/default/files/sexual_harassment_and_harassment_at_work.pdf)