TUC

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PREVENTING SEXUAL HARASSMENT

A safer workplaces checklist for unions as employers

As employers, unions have a responsibility to protect all their workers including self-employed and freelance workers and reps from sexual harassment, whether it's from a colleague, a manager or a third party such as a client, customer or patient. Unions should take all reasonable steps to prevent sexual harassment at work. If they don't, they could be found legally responsible for any sexual harassment that occurs in the course of carrying out union activities, whether as an employee, paid official or a lay member.

This checklist is designed to help unions as employers identify risks and factors in the workplace and the extent to which they may increase the likelihood of an employee or others experiencing sexual harassment. Strong evidence suggests that the most prevalent risk factor for sexual harassment is related to an institutional culture or climate, specifically a perceived tolerance for sexual harassment. This checklist must therefore be part of a broader framework of cultural change and should be understood as one part of a systematic approach unions can take to ensure sexual harassment is prevented. Sexual harassment, like any workplace risk, should never be seen as inevitable and if the checklist is used correctly – and implemented fully – risks can be identified and managed.

Given the organisational structures of unions and the interaction between employees, officials and lay members, it is likely that unions need to consider the risks within and between different structures. The questions in the checklist are intended to capture worker experiences in the first instance, but can be amended to be used as a basis for identifying risks at different levels and types of union structures and roles, e.g. branch, regional, lay member, etc.

Before completing the checklist, we would strongly recommend taking a moment to familiarise yourself with this ▶ **chart of risk factors for harassment and responsive strategies** by the US Equal Employment Opportunity Commission to understand why certain factors increase the risk of sexual harassment in the workplace.

It may also be that specific events like conferences need a more specialised or an additional checklist to identify if there are any additional or increased risk factors.

What is in the checklist?

The checklist is divided into four sections. Firstly, what happens in your **working environment**. There are certain factors that can put people at greater risk of sexual harassment, for example working alone with a third party (such as client, customer or union member) or working at events or conferences where alcohol is served. This is not an exhaustive list and you should adapt it to reflect the specific context of your workplace.

Second, think about the **characteristics of people in these environments**. TUC research shows sexual harassment is more prevalent for younger women, disabled women, Black workers and the LGBT community, migrant workers and those in insecure forms of work such as zero-hours contracts and agency work. However, while harassment can be more prevalent for these groups, other attitudes can increase the risk for different groups of workers. For example, ageism and sexism in the workplace can lead to a perception that older women are less likely to be harassed.

The checklist will enable you to highlight patterns between workers' characteristics and working environments. For example, are groups of workers who are more likely to experience sexual harassment also more likely to work in higher risk environments?

In the third section you should include any factors connected to **environments outside** usual working hours and work locations, e.g. colleagues socialising or at a work-related event or meeting. Finally, there is a section on your **management structures and reporting processes** and how aware workers are of them. The answers to this section should be informed by the responses to your climate survey rather than based on assumptions.

How to complete the checklist

Findings from the confidential climate survey should inform the completion of the checklist as workers will have a clearer idea of the risks and how they can be avoided or reduced.

You can follow these steps as you complete the checklist.

1 **Examine** the work and workplace to identify what factors could put people at risk. These can be in relation to the environment you work in, for example, consumption of alcohol or lone working are often factors that increase the risk of sexual harassment. Analyse the results of your anonymous climate survey to identify job roles, locations and groups of workers, which will identify areas of higher risk for sexual harassment.

2 **Think about structures** – abuse of power is at the root of sexual harassment. Do certain individuals hold more decision-making power that could potentially lead to an opportunity for sexual harassment? Working in high-pressured, competitive and stressful environments can sometimes make people more at risk from demands for sexual favours, for example, where a person hints at better career prospects in return for a sexual favour. Trade unions should also consider the potential for power imbalances between those in senior elected roles, and paid employees. This should include consideration of who is more likely to be in those different roles, e.g. whether there are more men in senior elected roles and more women in paid staff roles, and whether imbalances could act as a barrier to reporting.

3 **Assess** the chance, high or low, that somebody could be harmed by the factors identified. Any factor that increases the opportunity for sexual harassment to happen should be addressed but assessing the chance will help you decide how to prioritise action. Assessing also includes thinking about who is impacted (section 2 of the checklist). When doing the whole checklist make sure you have included those workers who may be less visible – homeworkers, agency workers, contractors and freelancers.

4 On the basis of this assessment, **decide** what prevention or control measures should be taken to prevent the possibility of harm. Looking at your levels of risk, decide what is the highest priority and focus on this first. Here are some examples of possible measures:

- Have an anti-sexual harassment policy in place that is widely and frequently communicated through a range of channels eg inductions, team meetings and all-staff communications. These communications should ensure that all workers, including any self-employed or freelance workers, and representatives of your union, are aware of your sexual harassment policies and how they affect them. This policy should also be made clear to any stakeholders you are working with.

- Have regular mandatory training for all workers with enhanced training for senior leaders, line managers and paid officials. Training should be: tailored to the workplace environment and audience; intersectional; from a trauma-informed perspective; and repeated at interim periods.

- Have at least three people to whom employees can report sexual harassment. These could be a trade union representative, line manager, member of your human resources team or a harassment 'champion'. You should offer three options in case someone does not feel comfortable approaching one of them.

- You should offer support for those dealing with disclosures of sexual harassment and those leading this work within your organisation. This may include access to counselling through an employee support scheme or setting up specific access to trauma-informed support.

- Clearly present the reporting procedure and frequently remind staff where they can access it, for example during a staff induction or in employment contracts.

- Make clear and publicly display materials supporting a zero-tolerance approach to sexual harassment. This includes casual sexism and banter that are the building blocks for sexual harassment. Tackling masculinised and sexist cultures are essential parts of building preventative cultures in any organisation.

- Ensure staff do not work alone with those consuming alcohol.

- Ensure staff working alone or with the general public in high-risk situations have access to immediate report and support facilities.

- There may be people who are covered by your policy who are not fluent in English. You should think of different ways to communicate what sexual harassment is. This could include getting support from outside organisations or translating key documents.

- Have enhanced training and support for those who are more likely to be approached with reports of sexual harassment.

- Have a budget for staff to get taxis home at night instead of relying on public transport, even if they live close by.

- Have recorded messages at the beginning of any phone line, online or in-person meeting or conference, stating that harassment in any form, including sexual harassment, will not be tolerated and saying who individuals can report any incidents or concerns to.

- In all documents and communications about sexual harassment reiterate that it can happen outside of the usual working environment including at socials and via email, social media and direct messaging.

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

6 **Review** the checklist on a regular basis. This should be at least annually but could be more frequent if there are relevant organisational changes, for example, the opening of a new location or after a period of high staff turnover. Update and refresh the checklist as necessary. Use your annual climate survey to identify whether staff think risks have been reduced, whether there are any new emerging risks and whether measures are robust enough and are being properly implemented.

Who should complete the checklist?

A senior member of staff should be involved in completing the checklist in consultation with trade union representatives and a HR professional. Findings from the confidential climate survey should inform the completion of the checklist as workers will have a clear idea of the risks and how they can be avoided or reduced.

Involving workers will also help ensure that what you propose to do will work in practice and won't introduce any new risks.

Additional resources

For more guidance on what should be included in a checklist and possible preventative measures that you can take, take a look at the:

- ▶ EEOC **chart of risk factors for harassment and responsive strategies**
- ▶ EHRC's **Sexual Harassment and Harassment At Work: technical guidance**
- ▶ ILO **Code of Practice on Workplace Violence in Services Sectors and Measures to Combat this Phenomenon**
- ▶ TUC's **video on trade union responses to workplace sexual harassment.**

TUC Education also provides resources on how to talk to management. If you have a meeting with your employer about instigating this checklist, you may want to take a look at our ▶ **negotiating with management** resource to prepare.

Section 1
Working environment

Questions to consider	Yes/No	Levels of risk			Possible preventative action
		Low	Med	High	
Do staff report a culture of banter or casual sexism which is hard to challenge?	Y N	☐	☐	☐	
Are members of staff required to work at night?	Y N	☐	☐	☐	
Do members of staff work alone or in isolated workplaces?	Y N	☐	☐	☐	
Specifically, do members of staff work alone at night?	Y N	☐	☐	☐	
Do staff interact with paid officials, lay members or third parties (e.g. contractors or members of the public) at work?	Y N	☐	☐	☐	
Are staff expected to work with paid officials, lay members or third parties alone?	Y N	☐	☐	☐	
Do members of staff have to leave their main place of work often for work-related activities?	Y N	☐	☐	☐	
Are there certain members of staff who are often placed on night shifts or lone shifts or shifts with only one other member of staff?	Y N	☐	☐	☐	
Do staff members work in high-pressured, competitive or stressful environments?	Y N	☐	☐	☐	
Is alcohol consumed while staff are working (by staff or third parties)?	Y N	☐	☐	☐	
Are members of staff expected to socialise with paid officials, lay members or third parties e.g., at events or conferences with contractors or clients?	Y N	☐	☐	☐	

Section 2
People

Thinking about who experience the above, are they…	Yes/No	Notes – are particular groups being placed in certain environments, are there any patterns between characteristics and working environment?
women?	Y N	
young people?	Y N	
disabled workers?	Y N	
LGBT+ workers?	Y N	
BME (Black and minority ethnic) workers?	Y N	
people who don't speak English and migrant workers?	Y N	
agency staff including freelancers and those on zero-hours or temporary/short-term contracts?	Y N	

Section 3
Outside the working environment

Questions to consider	Yes/No	Levels of risk Low Med High	Possible preventative action
Do staff often socialise?	Y N	☐ ☐ ☐	
Is alcohol present when staff socialise?	Y N	☐ ☐ ☐	

Section 4
Management structure and reporting process

Questions to consider	Yes/No	Levels of risk			Possible preventative action
		Low	Med	High	
Thinking about your structures and processes					
Are there strong hierarchies in the workplace with some people who have a lot more power than others?	Y N	☐	☐	☐	
Are there institutional norms such as expectations of loyalty to the movement that could make it more difficult for workers to report?	Y N	☐	☐	☐	
Do staff members have limited networks or not many ways of interacting with more than one line manager?	Y N	☐	☐	☐	
Does the workforce have a lack of diversity? Or is it segregated amongst vertical and horizontal occupations and levels?	Y N	☐	☐	☐	
Does the leadership and management of your organisation have a lack of diversity? Think of key characteristics such as class, ethnicity, disability and gender.	Y N	☐	☐	☐	
How are decisions regarding ways of working, working patterns, shifts etc. decided across your organisation? Is there a consistent and/or formal approach across different teams or is the approach more informal? Who has responsibility for deciding hours, working patterns or rotas?	Y N	☐	☐	☐	
Is there clear signposting to staff on who they can talk to, besides their line manager, if they are having issues at work?	Y N	☐	☐	☐	
Do staff members know who the trained people are that they can report an incident of sexual harassment to?	Y N	☐	☐	☐	

Section 4
Management structure and reporting process cont'd

Questions to consider	Yes/No	Levels of risk			Possible preventative action
		Low	Med	High	
Thinking about your structures and processes					
Do staff members know the informal reporting process for sexual harassment?	Y N	☐	☐	☐	
Do staff members know the formal reporting process for sexual harassment?	Y N	☐	☐	☐	
Do self-employed or freelance contractors have access to safe reporting routes and know who to directly report and escalate any incidents to?	Y N	☐	☐	☐	
Do staff members know what sexual harassment is?	Y N	☐	☐	☐	
Do informal and anonymous reports of sexual harassment outnumber formal reports made to the management team? Low rates of formal reporting can be a sign of distrust in management and in the reporting measures; this is why we recommend conducting regular climate surveys.	Y N	☐	☐	☐	
Within the organisation, how many reports of sexual harassment are the management team aware of in the last three years?	Y N	☐	☐	☐	
Are there any trends or hotspots in the management team's records of sexual harassment reports over the last three years?	Y N	☐	☐	☐	

Section 5
Preventative action

What steps should be taken, in order of priority?

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