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# **PREVENTING SEXUAL HARASSMENT**

An implementation framework  
for unions as employers

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**The Equality Act 2010 defines sexual harassment as unwanted conduct of a sexual nature that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.**

**Under sections 40 and 57 of the Equality Act 2010 and the Sex Discrimination (Northern Ireland) Order 1976 As Amended, employers already have a legal duty to protect employees from sexual harassment.**

**Under sections 39 and 57 of the Equality Act 2010, discrimination of employees or lay members, including an act of sexual harassment by a trade union, is unlawful.**

**However, the government has announced that a new preventative duty on employers will also be introduced. This legislation will require employers to take all reasonable steps to prevent sexual harassment of employees at work, including third-party harassment.**

**The TUC is providing an implementation framework with five practical actions leaders can take to help ensure that they are taking all reasonable steps to tackle, prevent and respond to sexual harassment in their workplace.**

**These steps and supporting materials have been designed specifically for unions as employers to use in the workplace. However, as part of an overall strategic approach the framework and supporting materials could be adapted for use in relation to lay structures and membership.**

# 1 Engage with your workers to establish a baseline for your organisation

## **Supporting material: anonymous climate survey**

The model of change is based on a participatory strategy that engages workers from the start of the process, including self-employed contractors and freelancers you may be working with. To understand the culture within your organisation, begin with an organisational audit of the climate. This will provide an evidence base to understand the specific contexts and behaviours operating in your workplace. The survey should focus on understanding incidences of sexual harassment, sexism and to what extent there is an organisational culture that tolerates it.

The findings should be disseminated and discussed with workers in an open and transparent manner to ensure everyone is clear about the programme of work and their integral role in developing and changing cultures. You should be very careful to safeguard the anonymity of participants.

# 2 Assess and take steps to reduce the specific risks in your workplace

## **Supporting materials: workplace risk assessment**

Absence of reporting itself is not evidence of an absence of sexual harassment in an organisation. TUC research has shown as many as one in two women are sexually harassed at work. This is a widespread and endemic issue. It is therefore important to take steps to identify and assess the specific risks in your workplace. Drawing on the findings from your climate survey, conduct a workplace risk assessment using our model template. Consider factors that may increase the likelihood of sexual harassment such as power imbalances between employees and lay officials, the presence of alcohol at conferences or meetings, lone working, or third parties.

# 3 Develop an effective anti-sexual harassment policy

## **Supporting materials: model anti-sexual harassment policy**

Unequivocal and repeated messaging on creating an organisation where there is no sexual harassment is necessary to bring about the cultural change required and demanded by women working in our movement. These guiding principles should have an intersectional approach embedded in them and be articulated clearly to all workers through an effective anti-sexual harassment policy that responds to the specific context and culture within your organisation.

Your policies should make clear who is covered by the policy and who is expected to comply with it. You should include employees, casual workers and agency workers, freelancers, and third parties.

Policies should define sexual harassment and provide a broad range of examples of it. These examples should be relevant to your specific workplace and any risks identified within your climate survey and risk assessment. Policies should set out safe reporting routes that are accessible to all those covered by the policy, the specific processes for receiving and responding to reports of sexual harassment, as well as what steps will be taken to remedy or prevent harassment from occurring again.

The policy should be clearly communicated and regularly signposted to all those covered by it, and those who you expect to comply with it, including third parties. Cultural change takes time but it is vital there is consistent intolerance of sexual harassment, with each report of sexual harassment being met with a response which is in full adherence to the robust process set out within the policy.

Unions have legal responsibilities to their members as well as their employees. Unions should consider developing an effective anti-sexual harassment policy for members that aligns with their anti-sexual harassment policy for workers, but deals with the specificities related to lay structures.

## **4 Implement a training and communication programme that responds to the specific organisational context**

Principles and values are reinforced through regular, consistent practices and processes, including training and communications. Communication of your organisation's zero-tolerance approach to sexual harassment, what constitutes sexual harassment, and your workplace policy should be consistently and regularly communicated to all those covered by the policy. Particular attention should be paid to induction and onboarding processes including for agency workers and self-employed contractors, so that all workers and third parties are aware of your policies and have a shared understanding of your zero-tolerance approach. Training should be developed with violence against women specialists as well as experts from within your own organisation, including your internal trade union reps. Training should be mandatory and repeated regularly. The aim is to move from the existing norms and expectations in an organisation to a shared vision of values and behaviours that will undermine and end sexual harassment.

Unions should also consider developing a training and communication programme for their lay structures as well.

## **5 Monitor and evaluate progress**

Accountability and transparency are key. Now the standards have been communicated and processes put in place, monitoring and evaluation is necessary to assess effectiveness. The use of regular anonymous climate surveys and exit interviews ensures leaders are kept informed of the progress being made, any barriers to progress, and any necessary adjustments to strategic plans.

In order to build trust and empower everyone within the union to play their part in bringing about cultural change, the findings should be disseminated, and safe spaces provided to facilitate discussion and a collective sense of responsibility. Consider appropriate and safe ways in which to communicate the outcomes of cases when they arise. You should also consider how to create a system of transparency around how policies are applied and reports of sexual harassment resolved and the benefits that transparency brings.

## Other actions

These five steps have been identified as essential steps towards building a preventative culture. However, unions should always seek to be aware of what is happening within their organisations. Specifically, as employers, unions should be aware that changes in behaviour, increased absences, comments in performance reviews or exit interviews and avoidance of particular staff members can all be warning signs that harassment is taking place. The five steps set out above should sit alongside other workplace opportunities for union employees to raise issues, even where there are no signs of harassment, no formal or informal complaints have been made or issues identified outside of the climate survey and risk assessments.

Such opportunities may include:

- informal one-to-ones
- sickness absence or return-to-work meetings
- performance review meetings
- open-door meetings with senior management or 'town hall' meetings
- exit interviews
- project review meetings with external contractors
- post-employment surveys
- mentoring programmes and staff networks.

Unions should also consider implementing an online or externally run reporting system to enable victims and witnesses to raise incidences of, or concerns regarding, sexual harassment anonymously, whether they are employees, self-employed and freelance contractors or lay members.

We suggest seeking legal and best practice advice on how to set such a system up and what a good system looks like. However, some of the benefits of an anonymous reporting system are set out below.

A reporting system can:

- help to ensure that those complaints that would otherwise go unreported are captured
- provide the employer (or organisation) with the opportunity to give reporters of harassment information about the support and safeguards that can be put into place if they were to report on a non-anonymous basis
- enable the employer (or organisation) to take action to address the matter, even if a formal investigation is not desired by the reporter of harassment – for example, by issuing a reminder of the policy regarding sexual harassment and monitoring the affected business or organisational area.

## Useful links

### **EHRC technical guidance on sexual harassment and harassment at work**

▶ [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)

### **ACAS guidance on sexual harassment in the workplace**

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