



Government  
Equalities Office

# Literature review of sexual harassment in the workplace

Government Equalities Office

**IFF Research**

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# Chapter 1

## Introduction

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# 1 Introduction

## Research Background

In December 2018, the Government announced its plans to tackle sexual harassment in the workplace in the UK.<sup>1</sup> These plans included clarifying legislation via a new statutory Code of Practice, work to increase awareness of the problem and solutions among employers, gathering regular data on the prevalence of sexual harassment, and a consultation to review the legal framework.

As part of this effort, the Government Equalities Office (GEO) commissioned IFF Research to gather robust data on sexual harassment in the workplace primarily, and public spaces. The research is comprised of three key phases:

- A literature review to understand existing evidence on workplace sexual harassment, identify gaps in the literature and to inform design of the quantitative survey.
- Cognitive testing of the quantitative survey with 20 participants, with quotas set on age, gender, ethnicity, sexual orientation, and employment status. This testing aims to ensure that the questionnaire approach is sensitive, comprehensive, and well understood.
- Quantitative online survey of 10,000 respondents lasting 15-minutes open to those aged 16 and over, with no other minimum requirements for participation. Stratified quotas are to be used across regions, with hard quotas set for each region on age, gender, ethnicity, disability and sexual orientation, as well as soft quotas on employment status, employment industry and role, and socioeconomic level. An additional 'boost' of n=2,200 LGBT respondents will be included to ensure robust analysis of this group.

## Objectives

This report forms the output of the first phase of work, culminating in a large-scale literature review on sexual harassment in the workplace which aims to:

- Develop an understanding of the existing evidence, to provide a comprehensive view of current thinking, actions, and statistics in relation to sexual harassment in the workplace.
- Provide an evidence base on which to design the quantitative survey, to ensure that the design is comprehensive and based on existing knowledge.

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<sup>1</sup> UK Government (2018, December 18). *Government announces new Code of Practice to tackle sexual harassment at work* [Press Release]. Retrieved from <https://www.gov.uk/government/news/government-announces-new-code-of-practice-to-tackle-sexual-harassment-at-work>

- To develop definitions of sexual harassment behaviours to be used in the quantitative survey, based on legislative and academic research definitions vs. public.

## Literature Review Methodology

This report was designed to develop a review of the existing literature for five key topic areas:<sup>2</sup>

1. **Prevalence of sexual harassment:** statistics relating to the incidence of sexual harassment in society at large and specifically within the workplace; within the strand, how prevalence of sexual harassment has changed over time, taking into account the potential reasons for changes to these figures.
2. **Types of sexual harassment:** development of an exhaustive list of forms of sexual harassment as defined in other research, best practice policies or legislation, including (where possible) incidence of each overall and within different contexts (e.g. sectors, role levels, environments, etc.).
3. **Profiling perpetrators, victims<sup>3</sup> and bystanders:** reviewing evidence relating to the people involved (directly or indirectly) in sexual harassment, examining common characteristics of perpetrators and victims, their relationships to each other (generally and potentially linked to specific forms of sexual harassment), and the profile, role, and influence of bystanders to sexual harassment.
4. **Reporting and response:** incidence of the reporting of sexual harassment by victims or bystanders, thinking about when/how/where they reported, actions and outcomes as a result of this, or reasons for non-reporting and the outcome of inaction.
5. **Policies and interventions:** looking at published best practice guidelines relating to sexual harassment, evidence of interventions or policies taken in relation to sexual harassment and their outcomes, as well as (where possible) victim-led responses to interventions and/or suggestions for best practice, policy, and legislation to reduce the prevalence of sexual harassment. As part of this strand, review of legislation and recent policies changes and their impact.

The review progressed via a multiphase process, as outlined below.

### Phase 1: Literature Scoping

An initial scoping stage was conducted using online search in order to identify an initial list of literature available relating to sexual harassment in the workplace overall and in relation to the five thematic areas outlined above. Online searching was done using keyword searches on Google (general web searches and specifically for publications on Google Scholar), searches on university library catalogues and publication databases (Web of Science, Scopus). Clearly the topic of sexual harassment is broad, and

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<sup>2</sup> Note that strands 1 and 2 (prevalence and types of sexual harassment) have been combined.

<sup>3</sup> We acknowledge that for some the word 'victim' is a loaded term. We have used it in this document to indicate someone who has experienced sexual harassment but recognise that not everyone who has experienced sexual harassment would identify with this term.

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perhaps thousands of sources exist which might have been included in this review. The 56 sources examined in this phase are a fraction of this overall corpus. Although the scope of this literature review was limited, efforts were made to ensure the sources reviewed were of good quality, and of sufficient breadth and depth. Key words were identified to help focus the search, as follows: sexual harassment, work/workplace, experience, incidence, types, victims, offenders/perpetrators, witnessing, witnesses, reporting, response, legislation/policy, intervention, best practice; the search used different combinations of these terms, with more focussed terms added to refine for specific coverage as needed (e.g. by specific types of sexual harassment, inclusion of gender, disability, ethnicity and/or sexual orientation/LGBT, and to identify literature for specific policies, interventions or examples of best practice referenced in other literature).

To ensure that the literature sourced and reviewed was relevant and contemporary, specific parameters were set as follows:

- **Context:** The literature review focuses on *workplace* sexual harassment, therefore research sourced and reviewed was generally specific to this. No workplace setting, or context, was excluded. Where possible, literature covering a range of different workplace contexts has been sourced, for example ensuring coverage of differing working environments. In some instances, literature relating to public spaces has been included in the literature review, used only to contrast against workplace findings and/or build upon or support specific theories.
- **Publication date:** Literature published in the last thirty years was the primary focus (1990-2019). Literature published outside this timeframe was included only when deemed a seminal piece of work (e.g. a major theory) or to emphasis a specific point (e.g. a lack of recent evidence or change compared to more recent literature). Although a significant body of literature was published before the priority timeframe, this was not deemed as relevant due to societal changes.
- **Publication region:** As well as literature published in the UK, literature from the USA, Australia, Canada, and other parts of Europe were reviewed. This forms a large part of the existing landscape of literature, forming an insightful comparison in some instances.
- **Quality screening:** Before being included for prioritisation, literature sources were screened by a quality assurance process. Articles from academic journals, government sources and trade bodies were favoured. Use of filtering on search functions also meant that articles with more citations in the literature were automatically favoured, a measure of usefulness and impact. A brief appraisal of the robustness of each study was also undertaken before inclusion, encompassing methodology, sample size and representativeness.

As part of the scoping stage, a source log was created to catalogue each source that passed the screening process. This captured citation information, country of reference, how to access, a brief summary of contents, and which of the five themes it was relevant to. As the scoping progressed, the research team assessed the completeness of the log in terms of the types of sources included (academic, government or other), the date range available, and gaps in the thematic areas necessitating further



searching. This initial source list included 56 different sources from the UK and abroad, and representing a mixture of academic publications, government reports and research published by related organisations (e.g. trade unions and NGOs).<sup>4</sup>

### **Phase 2: Source Prioritisation**

Once the initial scoping and catalogue was completed, the team then assessed each source and gave it a prioritisation level, which was used to determine which sources were taken forward into the full review. Priority rankings were given as Low, Medium, and High on the bases of the following criteria:

- Recency of the publication, particularly for quantitative data, with emphasis on more recent literature and a cut off of literature more than 20 years old except under specific circumstances;
- Source relevance to and coverage of the five themes;
- Country of interest in source, with priority for UK-related literature; and
- Relevance of the specific subject matter against project objectives.

Based on this, 27 sources were labelled as High and a further 19 as Medium. High-priority sources either covered multiple of the five themes to provide breadth, or covered a specific or niche area of a theme in depth, and were either government sources or peer-reviewed journal articles with a high number of citations. Those listed as Medium were typically relating to specific countries, workplace environment or sectors, in which case they were recommended for very specific, rather than general, use.

### **Phase 3: Literature Review**

The research team then began the process of reviewing all prioritised sources. Each team member 'owned' a specific thematic area to enable focussed analysis and reporting. The team met regularly throughout this process to share findings and develop the literature review narrative as a group – both before and during the writing stages.

As the literature review progressed, researchers continued to identify and review new sources based on those referenced in the existing sources and/or to address any gaps in the source material to ensure sufficient coverage of key topics. Where relevant, researchers also reached out directly to academics and organisations to ask specific questions on their work, e.g. where clarification was needed. This ensured the literature review became an iterative process designed to continually built the literature base over time to ensure a more comprehensive final report.

The final literature review contains reference to 117 unique sources, as provided in Appendix A. Most sources were directly reviewed as part of this research; however some sources were found in key reports but have been referenced when it was felt to be valuable (i.e. the direct source of a key statistic or point).

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<sup>4</sup> This list is included in the appendix. It reflects the initial list of sources, with more sources added during the literature review process as additional relevant sources were identified and/or to fill gaps in the literature.

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# Chapter 2

Prevalence of sexual harassment in the workplace

## 2 Prevalence of sexual harassment in the workplace

This chapter will examine the existing body of literature exploring the types and prevalence of workplace sexual harassment. It includes an assessment of the different typologies, recent statistics and gaps or deficiencies in the literature.

### Definitions of sexual harassment: legal and behavioural understanding

An accurate and appropriate definition is a crucial starting point in developing a standardised measurement of sexual harassment. In Great Britain, sexual harassment is legally defined by the Equality Act 2010. By this definition, sexual harassment is defined by the Equality Act 2010 as unwanted conduct of a sexual nature that has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the victim.

However, Fitzgerald and Cortina (2017), in relation to breaches of criminal law, argue that the focus on legal definitions has been detrimental to effective action on sexual harassment,<sup>5</sup> noting that a victim does not personally need to label their experience as 'sexual harassment' for it to be both harmful and illegal. This issue has been identified in multiple studies.<sup>6</sup> Furthermore, as the recent fifth report of the 2017-19 session from the Women and Equalities Committee (WESC) showed, incidence measured by the number of legal cases is known to underestimate the true scale of the problem, primarily due to the lack of reporting of incidents.<sup>7</sup>

As the WESC Report states, workers are not necessarily aware of what behaviours are unacceptable and what might legally constitute sexual harassment or a sexual offence, and there is a concern that these behaviours are so normalised that they are just 'put up with'.<sup>8</sup> This reflects another complication when defining sexual harassment, in that it is dependent upon the subjective impact on the victim. As such, public understanding, definitions of sexual harassment and how to measure its prevalence need to go beyond legal definitions in order to genuinely capture reality.

### Self-labelling and behavioural descriptors

The prevalence of sexual harassment can be captured by asking people directly about their experience (e.g. if someone has had an experience without defining what is included) or by use of behavioural descriptors (e.g. describing a situation to assess experience). Recent literature has consistently demonstrated that studies which

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<sup>5</sup> Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B. Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), *APA handbooks in psychology series. APA handbook of the psychology of women: Perspectives on women's private and public lives* (pp. 215-234). Washington, DC, US: American Psychological Association, p. 220.

<sup>6</sup> National Academies of Sciences, Engineering and Medicine. (2018). *Sexual harassment of women: climate, culture, and consequences in academic sciences, engineering, and medicine*. National Academies Press, p. 28.

<sup>7</sup> Women and Equalities Committee (2018). *Sexual harassment in the workplace, Fifth Report of Session, Report, together with formal minutes relating to the report* p 6.

<sup>8</sup> Women and Equalities Committee (2018). *Sexual harassment in the workplace, Fifth Report of Session, Report, together with formal minutes relating to the report* p. 7.

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*describe* behaviours linked to sexual harassment find a higher incidence than those which leave identifying sexual harassment up to the respondent.<sup>9</sup>

While the use of behavioural descriptors leads to higher reported incidence, recent surveys have not used a standardised list, and often contain little justification of the inclusion of different descriptors. In order to compare different approaches, it is necessary to examine the theory and typologies of sexual harassment underlying these descriptors.

### **Typologies of sexual harassment**

In order to systematically review the inclusion of various behavioural descriptors used in surveys, approaches to the typology of sexual harassment must be examined. Taking into consideration the different typologies developed can help to highlight the extent to which the behavioural descriptors used in surveys cover the range of sexual harassment experiences. These perspectives are also important to consider in developing a survey instrument to find accurate incidence figures and to inform the design of future behavioural descriptors.

#### *Sexual Experiences Questionnaire*

One of the first behavioural conceptualisations of sexual harassment was developed by Till (1980)<sup>10</sup> where sexual harassment was understood as being about gendered systems of power. This theory was operationalised in a survey called the Sexual Experiences Questionnaire (SEQ) by Fitzgerald et al. (1988)<sup>11</sup>, which has since been used in various forms in lawsuits brought against employers in the USA.<sup>12</sup> The original SEQ contained 28 behavioural descriptors and was tested on 2,599 students and 649 female faculty staff, all of whom were asked for their feedback on the survey. Using this feedback and applying psychometric techniques to the survey items, Fitzgerald et al. concluded that sexual harassment experiences could be broadly categorised into one of three types:

1. **Gender harassment:** defined as sex-based harassment that does not aim to elicit sexual cooperation but involves unwanted physical, verbal, or other forms of harassment on the basis of sex.<sup>13</sup> Gender harassment can be further separated into *sexist* hostility vs. *sexual* hostility. Sexist hostility might include insults about women's competence for example, while sexual hostility might "refer to women by degraded names for body parts." Gender policing, a further type of gender harassment identified more recently,<sup>14</sup> relates to enforcing traditional heterosexual gender roles (discussed further in later sections).

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<sup>9</sup> McDonald, P. (2012). Workplace sexual harassment 30 years on: A review of the literature. *International Journal of Management Reviews*, 14(1), 1-17, p. 3.

<sup>10</sup> Till, F. J. (1980). *Sexual Harassment. A Report on the Sexual Harassment of Students*, p. 8.

<sup>11</sup> Fitzgerald, L. F., Shullman, S. L., Bailey, N., Richards, M., Swecker, J., Gold, Y., ... & Weitzman, L. (1988). The incidence and dimensions of sexual harassment in academia and the workplace. *Journal of vocational behavior*, 32(2), 152-157, p. 157.

<sup>12</sup> Gutek, B. A., Murphy, R. O., & Douma, B. (2004). A review and critique of the Sexual Experiences Questionnaire (SEQ). *Law and Human Behavior*, 28(4), 457-482, p. 458.

<sup>13</sup> Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B. Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), *APA handbook of the psychology of women: Perspectives on women's private and public lives* (pp. 215-234). Washington, DC, US: American Psychological Association, p. 221.

<sup>14</sup> Leskinen, E. A., & Cortina, L. M. (2014). Dimensions of disrespect: Mapping and measuring gender harassment in organizations. *Psychology of Women Quarterly*, 38(1), 107-123 p. 110.

2. **Unwanted sexual attention:** defined as any unwanted sexual advance, be it verbal, non-verbal, or physical, and ranging from suggestive comments to sexual assault and rape.
3. **Sexual coercion:** defined as a combination of unwanted sexual attention with other pressures or consequences which might be used to force sexual acquiescence.

The SEQ has received criticism on the basis of its inclusion of gender harassment, which under the Equality Act 2010 is harassment on the basis of sex or gender identity, as a specific element of sexual harassment;<sup>15</sup> however, there has been a wealth of subsequent research which supports more extensive inclusion of gender harassment in sexual harassment surveys. Berdahl notes that legal and social theories of sexual harassment originally focused on actions motivated by sexual desire.<sup>16</sup> However, later research has shown that “much of the time harassment assumes a form that has little or nothing to do with sexual orientation but everything to do with gender.”<sup>17</sup> For example, Leskinen et al. (2011) analysed sexual harassment surveys from the military and legal professions and found that nine in ten victims experienced primarily gender harassment in the absence of unwanted sexual attention or sexual coercion.<sup>18</sup> Other recent examples show there is evidence that harassing, unpleasant or aggressive behaviours with no explicitly sexual component show a high co-occurrence with sexual harassment within workplaces.<sup>19,20</sup> Jones (2006) makes a related argument; that the overlap between gendered bullying and sexual harassment make it difficult to separate the two.<sup>21</sup> An ecological model, where non-sexual, unpleasant behaviours create a permissive environment for more severe sexual harassment, is also described by Michau et al. (2015).<sup>22</sup> The National Academy of Sciences present a similar model of an iceberg of gender harassment below public consciousness, supporting the more well-recognised forms of sexual harassment above.<sup>23</sup> Furthermore, gender harassment can be just as impactful as sexual harassment.<sup>24,25</sup> The wealth of evidence suggesting that gender harassment is the most pervasive form of harassment makes a case for the inclusion of the full range of gender harassment behavioural descriptors in future work on sexual harassment incidence measurement.<sup>26</sup>

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<sup>15</sup> Gutek, B. A., Murphy, R. O., & Douma, B. (2004). A review and critique of the Sexual Experiences Questionnaire (SEQ). *Law and Human Behavior*, 28(4), 457-482, p. 471.

<sup>16</sup> Berdahl, J. L. (2007). Harassment based on sex: Protecting social status in the context of gender hierarchy. *Academy of Management Review*, 32(2), 641-658, p. 642.

<sup>17</sup> Schultz, V. (1998). Reconceptualizing sexual harassment. *Yale Law Journal*, 107, p. 1683.

<sup>18</sup> Leskinen, E. A., Cortina, L. M., & Kabat, D. B. (2011). Gender harassment: Broadening our understanding of sex-based harassment at work. *Law and human behavior*, 35(1), 25-39, p. 25.

<sup>19</sup> Lim, S., & Cortina, L. M. (2005). Interpersonal mistreatment in the workplace: the interface and impact of general incivility and sexual harassment. *Journal of applied psychology*, 90(3), p. 483.

<sup>20</sup> Larsen, S. E., Nye, C. D., & Fitzgerald, L. F. (2019). Sexual harassment expanded: An examination of the relationships among sexual harassment, sex discrimination, and aggression in the workplace. *Military Psychology*, 31(1), 35-44 p. 43.

<sup>21</sup> Jones, C. (2006). Drawing boundaries: Exploring the relationship between sexual harassment, gender and bullying. In *Women's Studies International Forum* 29(2), 147-158, p. 154.

<sup>22</sup> Michau, L., Horn, J., Bank, A., Dutt, M., & Zimmerman, C. (2015). Prevention of violence against women and girls: lessons from practice. *The Lancet*, 385(9978), 1672-1684, p.4.

<sup>23</sup> National Academies of Sciences, Engineering, and Medicine. (2018). *Sexual harassment of women: climate, culture, and consequences in academic sciences, engineering, and medicine*. Washington, DC: The National Academies Press, p. 32.

<sup>24</sup> McDonald, P. (2012). Workplace sexual harassment 30 years on: A review of the literature. *International Journal of Management Reviews*, 14(1), 1-17, p. 4.

<sup>25</sup> Mazzeo, S. E., Bergman, M. E., Buchanan, N. T., Drasgow, F., & Fitzgerald, L. F. (2001). Situation-specific assessment of sexual harassment. *Journal of Vocational Behavior*, 59(1), 120-131, p. 124.

<sup>26</sup> Length constraints meant that GEO took the decision not to include gender harassment codes in the final questionnaire.

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### *Categorisation into four behavioural types*

Another commonly used typology<sup>27</sup> is used by the European Union's Committee on Women's Rights and Gender Equality (FEMM Committee), which argues that sexual harassment can be split into four types by type and severity:<sup>28</sup>

1. Non-verbal - e.g. sexually suggestive gestures, display of sexual material;
2. Verbal - e.g. sexually suggestive comments or jokes;
3. Physical – e.g. touching, hugging, kissing, rape; and
4. Cyber – e.g. offensive, sexually explicit e-mails or SMS messages, offensive, inappropriate advances on social networking sites.

This categorisation, or those very similar, are found in many recent studies, as will be shown below.

### *Wider typologies*

Other typologies have been used in surveys of sexual harassment beyond the workplace. For example, in a review of sexual harassment on public transport in Australia, Gardner et al. (2017) claim that sexual harassment is increasingly categorised as confrontational and non-confrontational.<sup>29</sup> Fairchild (2010) makes a related distinction between “subtle” and “direct” pressure to cooperate sexually in an adapted form of the SEQ.<sup>30</sup>

### **Behavioural descriptors used in incidence measurement**

There have been four recent, large-scale studies of the incidence of sexual harassment in the UK workplace that have used behavioural descriptions of sexual harassment as survey items, and which have involved relatively large base sizes:<sup>31</sup>

1. One of the largest and most representative British surveys carried out to date was by ComRes on behalf of the BBC in 2017, which was an online survey of n=6,206 individuals;<sup>32</sup>
2. ComRes also carried out a survey for BBC Radio 5 Live in 2017 with n=2,031 individuals;<sup>33</sup>

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<sup>27</sup> The four behavioural types categorisation is sometimes referred to as the FEMM typology, though has been widely used, for example in Kearn, H. (2014). Unsafe and harassed in public spaces: A national street harassment report. Retrieved from <https://www.stopstreetharassment.org/wp-content/uploads/2012/08/2014-National-SSH-Street-Harassment-Report.pdf>

<sup>28</sup> FEMM Committee. (2018). Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU, p. 13.

<sup>29</sup> Gardner, N., Cui, J., & Coiacetto, E. (2017). Harassment on public transport and its impacts on women's travel behaviour. *Australian Planner*, 54(1), p. 9.

<sup>30</sup> Fairchild, K. (2010). Context effects on women's perceptions of stranger harassment. *Sexuality & Culture*, 14(3), 191-216, p. 199.

<sup>31</sup> There are numerous other quantitative studies of workplace sexual harassment that focus on specific sectors or audiences, as well as those taking an EU perspective; the findings of these are integrated into later chapters of this report.

<sup>32</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>33</sup> ComRes (2017). Sexual Harassment in the Workplace. Retrieved from ComRes: <https://www.comresglobal.com/polls/bbc-radio-5live-sexual-harassment-in-the-workplace-survey/>

3. A survey by Prospect of roughly 7,000 of their *working members* in 2018;<sup>34</sup> and
4. A survey by the TUC of n=1,533 of their *working female* members in 2016.<sup>35</sup>

Applying different typologies to the UK surveys can highlight some of the strengths and weaknesses of using different sets of behavioural descriptors. It should be noted, however, that all four studies use quite different designs and descriptors in their studies with little information available publicly about the decisions behind the design choices.

#### *Discussion of behavioural descriptors and typology*

As shown in Table 2.1 below, each descriptor from across all four studies can be categorised using the SEQ and 'four behavioural types' typologies.

**Table 2.1**      **Categorisation of survey items from four studies of sexual harassment in the UK workplace**

SEQ category	Survey Items	Source	Four behavioural types category			
			Verbal	Non-verbal	Physical	Cyber
Gender Harassment: Sexist Hostility	Displays of pornographic or sexually offensive materials which made me feel uncomfortable	ComRes/ BBC		X		
	Displays of pornographic photographs or drawings in the workplace	TUC		X		
	Treated you "differently" because of your sex?	SEQ		X		
	Displayed, used, or distributed sexist or suggestive materials?	SEQ		X		
	Made offensive sexist remarks?	SEQ	X			
	Put you down or was condescending to you because of your sex?	SEQ	X			
Gender Harassment: Sexual Hostility	Made offensive remarks about your appearance, body, or sexual activities?	SEQ	X			
	Repeatedly told sexual stories or jokes that were offensive to you?	SEQ	X			
	Made unwelcome attempts to draw you into a discussion of sexual matters?	SEQ	X			
	Made gestures or used body language of a sexual nature which embarrassed or offended you?	SEQ		X		
	Flashing (e.g. the deliberate exposure of someone's intimate parts)	ComRes/ BBC		X		
	Receiving unwanted messages from colleagues with material of a sexual nature on social media	ComRes/ BBC				X

<sup>34</sup> Prospect (2018). A workplace guide to dealing with sexual harassment.

<sup>35</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016.

	Unwelcome jokes or comments of a sexual nature	ComRes/ BBC	X			
	Yes, inappropriate joke or banter	ComRes/ Radio 5	X			
	Yes, verbal harassment	ComRes/ Radio 5	X			
	Suggestive remarks or jokes of a sexual nature	Prospect	X			
	Hearing colleagues making comments of a sexual nature about another woman or women in general in front of you	TUC	X			
	Receiving unwanted messages with material of a sexual nature on social media	TUC				X
	Unwelcome jokes of a sexual nature	TUC	X			
Unwanted sexual attention	Receiving unwelcome verbal sexual advances	ComRes/ BBC	X			
	Sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)	ComRes/ BBC			X	
	Unwanted touching (e.g. placing hand on lower back or knee)	ComRes/ BBC			X	
	Serious sexual assault or rape	ComRes/ BBC			X	
	Unwelcome cat calls or wolf whistling	ComRes/ BBC	X			
	Yes, inappropriate touching	ComRes/ Radio 5			X	
	Yes, unwanted sexual proposition	ComRes/ Radio 5	X			
	Yes, attempt to kiss me	ComRes/ Radio 5			X	
	Yes, I have been sexually assaulted	ComRes/ Radio 5			X	
	Unwanted comments about appearance	Prospect	X			
	Unwelcome behaviour of a sexual nature	Prospect		X		
	Unwanted and/or inappropriate touching hugging or kissing	Prospect			X	
	Unwelcome verbal sexual advances	TUC	X			
	Sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)	TUC			X	
	Unwanted touching (e.g. placing hand on lower back or knee)	TUC			X	
	Serious sexual assault or rape	TUC			X	
	Comments of a sexual nature about your body and/or clothes	TUC	X			



	Made unwanted attempts to establish a romantic sexual relationship with you despite your efforts to discourage it?	SEQ	X			
	Continued to ask you for dates, drinks, dinner, etc., even though you said "No"?	SEQ	X			
	Made unwanted attempts to stroke, fondle, or kiss you?	SEQ			X	
	Touched you in a way that made you feel uncomfortable?	SEQ			X	
Sexual Coercion	The suggestion that your career would be advanced if you provided sexual favours	ComRes/ BBC	X			
	Made you feel like you were being bribed with a reward to engage in sexual behaviour?	SEQ	X			
	Made you feel threatened with some sort of retaliation for not being sexually cooperative?	SEQ	X			
	Treated you badly for refusing to have sex?	SEQ	X			
	Implied faster promotions or better treatment if you were sexually cooperative?	SEQ	X			



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By comparing the UK survey descriptors to the SEQ typology in particular, it becomes clear that is considerable range of coverage within the recent studies:

- The ComRes/BBC survey has the most comprehensive coverage with at least one descriptor in each category of both typologies, whilst the TUC survey also shows wide coverage, lacking only sexual coercion. In contrast, Prospect and ComRes/Radio 5 surveys lack coverage across a range of categories.<sup>36</sup>
- While the ComRes and TUC surveys both include several descriptors which can be categorised as unwanted sexual attention, they do not cover the whole range of behaviours suggested by the SEQ, specifically descriptors for the sexist hostility sub-category.
- Both the TUC and ComRes behavioural descriptors use the wording “sexual” but do not include the wording “sexist”, resulting in a lack of coverage of behaviours categorised as sexist hostility (an important aspect of gender harassment).
- There is, however, substantial overlap between the SEQ and TUC/ComRes descriptors. For example, within the category of unwanted sexual attention, both lists make a distinction between touching which makes you feel uncomfortable and unwanted sexual touching. Furthermore, the ComRes/BBC study includes a broad sexual coercion descriptor.

All descriptors were purposefully assigned a *single* category in each typology, however in several instances there is room for interpretation and overlap in terms of categorisation. For example, while the ComRes/BBC descriptor “Unwelcome jokes or comments of a sexual nature” has been categorised as gender harassment, the content and intention of a particular comment could mean it is better categorised as unwanted sexual attention. Similarly, “unwanted comments about appearance” could be defined as either gender harassment or unwanted sexual attention dependent upon context. These areas of overlap highlight the need to consider typologies carefully when creating a set of behavioural descriptors to ensure each descriptor is precise and clear in what it seeks to measure.

Any future research into the subject must take a considered approach to how sexual harassment in the workplace and its types are defined, taking into account the range of behaviours that constitute sexual harassment and ensuring these are expressed in a way that respondents will ensure accurate measurement of incidence.

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<sup>36</sup> Interestingly, the two ComRes studies for the BBC and BBC Radio 5 took place within months of each other, but with different categorisations; however, there is limited explanation of the rationale for the chosen descriptors or design.

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## Existing evidence of incidence of sexual harassment

Despite the gaps in the behavioural descriptors used in the four aforementioned surveys, it is possible to look across these studies to assess the current incidence of sexual harassment in the workplace in the UK.<sup>37</sup>

The headline figures on the incidence of sexual harassment taken from the four major surveys are shown in Table 2.2 below. The figures shown represent any respondent that indicated they had experienced *any* of the behaviours described. It should be noted again that the Prospect and TUC surveys only reached *female members* of these organisations and are therefore not nationally representative, nor are they comparable to the two ComRes studies.

**Table 2.2 Summary of overall incidence of sexual harassment in the UK workplace**

Report/ Research Paper	Overall incidence (any type of sexual harassment)	
	Women	Men
ComRes on behalf the BBC (Nov. 2017)	40%	18%
ComRes on behalf of BBC Radio 5 Live (Oct. 2017)	53%	20%
Prospect members (2018)	35%	n/a
TUC members (2016)	54%	n/a

Across all four studies between 2016 and 2018, levels of incidence range from 35-54% amongst women and 18-28% amongst men (for 2017).<sup>38</sup>

### Incidence of *types* of sexual harassment

The overall incidence of sexual harassment shown above summarises a wide range of behaviours. Therefore, investigating the incidence of different types of sexual harassment can provide more understanding of the issue.

As discussed, the four surveys most relevant to this work do not include descriptions of how the survey items they use in their report were developed<sup>39</sup> and do not use a consistent typology in terms of what types of harassment they cover and how each is described. This makes it difficult to compare findings at the level of individual types of sexual harassment experienced and influences the differing incidence levels overall across even the two nationally representative ComRes studies from the same period.

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<sup>37</sup> It should be noted that the two ComRes studies are the only nationally representative surveys of sexual harassment in the UK workplace with a large enough base size to give statistically significant results, whilst the Prospect and TUC look specifically at their working members. The limitations of all four studies in terms of the reliability of the existing data is discussed later in this section.

<sup>38</sup> Both ComRes studies show similar figures for the experience of sexual harassment amongst men, but have somewhat different levels of incidence for women despite both being described as nationally representative and in similar periods; this is likely an outcome of the differing designs and descriptors used.

<sup>39</sup> Having consulted with the research team at the TUC, however, there was substantial effort put into developing the behavioural descriptors used in the 2016 survey: the survey items used in both their 2016 survey of women and 2019 LGBT survey were developed through extensive consultations with experts in the field. TUC were aiming to cover the breadth of experience at a granular level, mirroring the approach taken in other research for EHRC. To develop the survey items in the 2016 survey, the TUC consulted with End Violence Against Women, the Women's Association, and The Young Women's Trust, as well as drawing upon the experience of supporting many female members with specific cases of sexual harassment. Many of the survey items developed were replicated in research for the BBC by ComRes in 2017.

However, using the typologies introduced above provides a useful framework to compare results and assess any common trends in the data in terms of incidence.

While some of the behavioural descriptors used in these surveys do not fit neatly into the SEQ typology, they are more readily categorised in the ‘four behavioural types’ typology. This can facilitate a useful comparison of incidence by type of behaviours across the survey results, as shown in Table 2.3 below. It should be noted again however, that the Prospect and TUC surveys did not use nationally representative samples, instead surveying their members.

**Table 2.3 UK workplace sexual harassment surveys by the ‘four behavioural types’ categorisation: Verbal, Non-verbal, Physical and Cyber**

Four behavioural types category	Source	Survey Items	% incidence
Verbal	TUC survey of members	Hearing colleagues making comments of a sexual nature about another woman or women in general in front of you	35%
	TUC survey of members	Unwelcome jokes of a sexual nature	32%
	ComRes on behalf the BBC	Unwelcome jokes or comments of a sexual nature	30%
	TUC survey of members	Comments of a sexual nature about your body and/or clothes	28%
	ComRes on behalf of BBC Radio 5 live	Yes, inappropriate joke or banter	27%
	Prospect survey of members	Suggestive remarks or jokes of a sexual nature	27%
	Prospect survey of members	Unwanted comments about appearance	25%
	ComRes on behalf the BBC	Receiving unwelcome verbal sexual advances	21%
	TUC survey of members	Unwelcome verbal sexual advances	20%
	ComRes on behalf the BBC	Unwelcome cat calls or wolf whistling	20%
	ComRes on behalf of BBC Radio 5 live	Yes, verbal harassment	13%
	ComRes on behalf of BBC Radio 5 live	Yes, unwanted sexual proposition	9%
	ComRes on behalf the BBC	The suggestion that your career would be advanced if you provided sexual favours	5%
	Non-Verbal	Prospect survey of members	Unwelcome behaviour of a sexual nature
TUC survey of members		Displays of pornographic photographs or drawings in the workplace	9%
ComRes on behalf the BBC		Displays of pornographic or sexually offensive materials which made me feel uncomfortable	8%
ComRes on behalf the BBC		Flashing (e.g. the deliberate exposure of someone's intimate parts)	6%
Physical	TUC survey of members	Unwanted touching (e.g. placing hand on lower back or knee)	25%

	ComRes on behalf of the BBC	Unwanted touching (e.g. placing hand on lower back or knee)	22%
	ComRes on behalf of BBC Radio 5 live	Yes, inappropriate touching	15%
	ComRes on behalf of the BBC	Sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)	14%
	Prospect survey of members	unwanted and/or inappropriate touching hugging or kissing	14%
	TUC survey of members	Sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)	10%
	ComRes on behalf of BBC Radio 5 live	Yes, attempt to kiss me	7%
	ComRes on behalf of the BBC	Serious sexual assault or rape	3%
	ComRes on behalf of BBC Radio 5 live	Yes, I have been sexually assaulted	3%
	TUC survey of members	Serious sexual assault or rape	1%
Cyber	ComRes on behalf of the BBC	Receiving unwanted messages from colleagues with material of a sexual nature on social media	6%
	TUC survey of members	Receiving unwanted messages with material of a sexual nature on social media	5%

Across all four surveys verbal harassment was consistently the most common form of sexual harassment. Within this, incidence ranges from 5% (TUC) for “suggestions that your career would be advanced if you provided sexual favours” to 35% (TUC) for “hearing colleagues making comments of a sexual nature”. Sexual jokes, comments and banter all showed similar incidence across both TUC and Prospect membership surveys, ranging from 27% (Prospect) to 32% (TUC). Comments about appearance (25% Prospect) and “comments of a sexual nature about body and clothes” (28% TUC) also showed similarly consistent incidence.

Physical sexual harassment was the next highest incidence across all four surveys. Where consistent descriptors were used, results again showed similar patterns: for example, “unwanted touching (e.g. placing hand on lower back or knee)” at 25% (TUC) and 22% (ComRes). There was also consistency across “inappropriate touching” (15% ComRes), “unwanted and/or inappropriate touching hugging or kissing” (14% Prospect) and “sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)” (14% ComRes and 10% TUC). Within physical sexual harassment, three of the surveys had a separate descriptor for serious sexual assault, which was fairly consistent in terms of incidence (1% TUC and 3% for both ComRes surveys).

Within non-verbal sexual harassment, there was consistency across the two surveys which asked about displays of pornographic material (9% TUC and 8% ComRes). There was also consistency in forms of cyber sexual harassment in two surveys, receiving unwanted messages from colleagues with material of a sexual nature on social media (6% ComRes and 5% TUC).

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While these four surveys show similar trends in results when compared via the four behavioural types typology, this is limited. The inability to directly compare incidence measurements between surveys is a strong argument for using a consistent, evidence-based typology that can be accessed and applied straightforwardly to individual workplaces.

### **Differences in sexual harassment by demographic**

To improve the definition and measurement of sexual harassment, it is also critical to understand how sexual harassment may differ across different demographic groups. Evidence for the differing nature of sexual harassment is discussed below, across gender, age, ethnicity, sexual orientation and disability; however, as will be shown, there is a significant lack of robust evidence in relation to many key demographic groups which will need to be addressed in any future work seeking to truly measure and address workplace sexual harassment.

#### *Gender*

While anyone can experience sexual harassment, there is strong evidence that women are the primary victims of this behaviour and men are the perpetrators. Although few large scale studies ask for details about the perpetrators of sexual harassment, research by the TUC (which sampled their members and is therefore not nationally representative), found that they were men in 90% of cases.<sup>40</sup> A recent review of sexual harassment in the workplace claims that prevalence studies over the past 30 years converge on the finding that roughly half of women will experience sexual harassment during their working life.<sup>41</sup>

All recent research has shown that women are more likely to experience harassment, including the recent ComRes/BBC survey referenced above, which found that 40% of women, compared to 18% of men, had experienced unwanted sexual behaviours in the workplace.<sup>42</sup> Further, the 2018 nationally representative 'Stop Street Harassment' study carried out in the US with 1,000 men and 1,000 women found that women were more likely to be negatively impacted by their experiences of sexual harassment.<sup>43</sup> For example, among the men and women who reported experiencing sexual harassment and assault, 31% of women and 20% of men said they felt anxious or depressed, while nearly twice as many women (23%) than men (12%) changed their route or regular routine.<sup>44</sup>

However, it should be noted that whilst men experience proportionally less sexual harassment than women, it is not that they do not experience any. Comparison of the ComRes data for BBC shows men and women experience sexual harassment not just

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<sup>40</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016. p.15.

<sup>41</sup> Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), *APA handbooks in psychology series. APA handbook of the psychology of women: Perspectives on women's private and public lives* (pp. 215-234). Washington, DC, US: American Psychological Association, p. 225.

<sup>42</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>43</sup> It should be noted that while this study was nationally representative, a base of n=2,000 in the US means it would have a large margin of error, both overall and for any subgroup analysis.

<sup>44</sup> Kearl, H. (2018). The facts behind the #metoo movement: A national study on sexual harassment and assault. Retrieved from <http://www.stopstreetharassment.org/wp-content/uploads/2018/01/Full-Report-2018-National-Study-on-Sexual-Harassment-and-Assault.pdf>, p.32

to different degrees, but in relation to specific types. Whilst women are roughly four times more likely to experience unwelcome jokes or comments, unwelcome verbal advances, unwanted touching and sexual assault, there is little meaningful difference for pornographic displays and unwanted messages.

Sexual harassment experience, men vs. women (ComRes 2017)<sup>45</sup>

Experienced ever	Male	Female
Displays of pornographic or sexually offensive materials which made me feel uncomfortable	6%	8%
Receiving unwanted messages from colleagues with material of a sexual nature on social media	4%	6%
Unwelcome jokes or comments of a sexual nature	11%	30%
Receiving unwelcome verbal sexual advances	6%	21%
Unwanted touching (e.g. placing hand on lower back or knee)	6%	22%
Sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)	4%	14%
Serious sexual assault or rape	1%	3%

While women seem to be more negatively affected by sexual harassment and assault, than men, the unique experiences of men and women in relation to sexual harassment should be a consideration for future research.

#### *Age*

Several studies also provide evidence for differences in incidence of sexual harassment for different age groups. Research by the EU Agency for Fundamental Rights found that age plays a significant role in the prevalence of sexual harassment, whereby younger women are significantly more likely to experience sexual harassment than their older counterparts.<sup>46</sup> Several UK surveys found similar results, for example the ComRes poll for the BBC (2017) found that 47% of women aged 18-24 had experienced some form of sexual harassment in comparison to an average of 40% of women of all ages.<sup>47</sup>

Crucially, there is limited research available for people under age 18 who may be working in some capacity, creating a major evidence gap for this subject.

#### *Ethnicity*

While there is little empirical research on whether incidence of sexual harassment varies significantly by ethnicity, there is evidence that sexual harassment of ethnic minority women is often bound up with racial harassment.

<sup>45</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>46</sup> European Union Agency for Fundamental Rights (2014). Violence against women: an EU-wide survey. Luxembourg: Publications Office of the European Union, p. 35.

<sup>47</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.



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A qualitative study by Fielden et al. (2010)<sup>48</sup> lends support to the idea that racialised sexual harassment is often linked to shared perceptions of ethnic minority<sup>49</sup> women, for example the belief that Black Afro Caribbean women are more sexual than other women. Their findings also support the idea that cultural and religious differences affect how women view issues such as verbal comments and physical proximity. This research also suggests that ethnicity and cultural background can influence the interpretation and experience of sexual harassment. The research identified that there may be different connotations and ideas of acceptability attached to different behaviours. For example, “the lowering of eyes in a particular manner” might be experienced as sexual harassment by some women.<sup>50</sup>

However, further research is needed to assess the cultural and ethnic differences in incidence and experience of sexual harassment in order to make any definitive conclusions.

### *LGBT*

Recent research by TUC provides evidence that there is a higher incidence of sexual harassment for LGBT employees. Of a sample of n=1,000 LGBT individuals, 68% experienced some form of harassment,<sup>51</sup> higher than the 52% of women in a TUC poll of women members.<sup>52</sup>

There is also evidence to suggest that sexual harassment is experienced differently by those who identify as LGBT. For example, Brassel et al. (2019) investigated college students’ views of sexual harassment of LGBT people.<sup>53</sup> They found that “unwanted sexual comments” were seen as “put downs” when directed at transgender people but seen as “come-ons” when directed at lesbian or gay people. This may indicate that sexual harassment towards lesbian and gay people may not be seen as identity-based mistreatment, and therefore as more acceptable to bystanders.<sup>54</sup>

Furthermore, there is evidence to suggest that LGBT people are unlikely to label the homophobic/transphobic hostility they experience as sexual harassment.<sup>55</sup> For their 2019 survey of sexual harassment of LGBT people in the workplace, the TUC held roundtable discussions with LGBT members and Equality Officers from affiliated unions, who regularly handle cases of harassment against LGBT members. To address the issue of labelling in the survey, they decided to contextualise the behavioural descriptors with actual experiences of LGBT people, to make them easier to relate to.

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<sup>48</sup> Fielden, S. L., Davidson, M. J., Woolnough, H., & Hunt, C. (2010). A model of racialized sexual harassment of women in the UK workplace. *Sex Roles: A Journal of Research*, 62(1-2), 20-34, p. 30.

<sup>49</sup> This report uses the term ethnic minority instead of the abbreviation BAME. Where a more specific ethnicity is used in the original research, this term will be used.

<sup>50</sup> Fielden, S. L., Davidson, M. J., Woolnough, H., & Hunt, C. (2010). A model of racialized sexual harassment of women in the UK workplace. *Sex roles*, 62(1-2), 20-34, p. 28.

<sup>51</sup> Trade Unions Congress (2019) Sexual harassment of LGBT people in the workplace, p. 12.

<sup>52</sup> Trade Unions Congress (2019) Sexual harassment of LGBT people in the workplace, p. 4.

<sup>53</sup> This report uses the terminology LGBT, including when citing research which may use the terminology LGBTQ.

<sup>54</sup> Brassel, S. T., Settles, I. H., & Buchanan, N. T. (2019). Lay (mis) perceptions of sexual harassment toward transgender, lesbian, and gay employees. *Sex Roles*. 80(1-2), 76-90. <https://doi.org/10.1007/s11199-018-0914-8>

<sup>55</sup> Trade Unions Congress. (2019). Sexual harassment of LGBT people in the workplace, p. 8.

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For example, after the descriptor “unwelcome jokes of a sexual nature”, the example given was “e.g. jokes about gay men being promiscuous or lesbians needing a man.”<sup>56</sup>

A form of gender harassment known as gender policing, or the enforcement of traditional heterosexual gender roles, has been used to explain some of these different experiences of harassment. Analysis of complaints to Australian Equality of Opportunity Commissions by McDonald and Charlesworth (2016)<sup>57</sup> supports the idea that gender policing may offer an explanation of the harassment of LGBT people, as well as of male-to-male and female-to-male sexual harassment. For male victims of harassment, gender policing might take the form of suggesting that a man is not courageous, competent or virile enough, or likening him to a woman.<sup>58 59</sup> There is also evidence that traditional models of ‘toxic masculinity’ are still persistent in the UK: for example, 67% of 18–24-year-old men felt that they are pressured to display hyper-masculine behaviour.<sup>60</sup>

### *Disability*

While there is evidence that disabled people are more likely to experience harassment in general,<sup>61</sup> there appears to be limited existing evidence relating to sexual harassment in the workplace amongst people with disabilities. However, a recent survey of LGBT individuals conducted by the TUC found evidence that disabled women were around twice as likely to experience sexual assault as women with no disability (38% vs 14%).<sup>62</sup> Again, further research is needed to assess the impact of disability on the experience and incidence of sexual harassment, in order to make any definitive conclusions.

Overall, there are clear differences in experiences of sexual harassment by age, gender and sexual orientation, with evidence to suggest there may also be differences by ethnicity and disability. Further research is needed to verify these claims, which will require a considered design taking into account the sources of these differences.

### **Incidence of sexual harassment in the UK workplace by sector**

Research has also identified that incidence of sexual harassment in the UK workplace is affected by industry sector.

A number of studies have confirmed that sexual harassment is more prevalent in sectors which are traditionally male dominated.<sup>63</sup> Studies have confirmed a high rate of sexual harassment in the military<sup>64</sup> and police.<sup>65</sup> For example, 92% of servicewomen and 49% of policewomen said they had heard sexual jokes or comments in the last 12

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<sup>56</sup> Trade Unions Congress. (2019). Sexual harassment of LGBT people in the workplace, p. 10.

<sup>57</sup> McDonald, P., & Charlesworth, S. (2016). Workplace sexual harassment at the margins. *Work, employment and society*, 30(1), 118-134, p. 120.

<sup>58</sup> Berdahl, J. L. (2007). Harassment based on sex: Protecting social status in the context of gender hierarchy. *Academy of Management Review*, 32(2), 641-658, p. 645.

<sup>59</sup> Berdahl, J. L. (2007). The sexual harassment of uppity women. *Journal of Applied Psychology*, 92(2), p. 427.

<sup>60</sup> Working with Men (2018, Nov 18), Future Men 2018 Survey, Retrieved from: <https://futuremen.org/future-men-2018-survey/>

<sup>61</sup> Shaw, L. R., Chan, F., & McMahon, B. T. (2012). Intersectionality and disability harassment: The interactive effects of disability, race, age, and gender. *Rehabilitation Counseling Bulletin*, 55(2), 82-91, p. 86.

<sup>62</sup> Trade Unions Congress. (2019). Sexual harassment of LGBT people in the workplace, p. 23.

<sup>63</sup> For example: Giuffre, P. A., & Williams, C. L. (1994). Boundary lines: Labeling sexual harassment in restaurants. *Gender & Society*, 8(3), 378-401.

<sup>64</sup> UK ARMY (2018). Speak out: Sexual Harassment Report 2018, p. 2.

<sup>65</sup> Gloucestershire Police and Justice. (2018). Time to Stamp Out Sexual Harassment in the Police, Unison, p.2.

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months. A survey of the legal profession found that 33% of female respondents and 7% of male respondents had experienced sexual harassment in a work-related context.<sup>66</sup>

There are a number of other sectors where the work context may have an impact on the prevalence of sexual harassment. The 2017 ComRes research for the BBC also asked respondents what sector they worked in.<sup>67</sup> Of those who experienced sexual harassment, the sector with the highest prevalence was hospitality (40%), followed by public sector and services (32%), followed by retail (31%). A survey by Unite of workers in the hospitality industry found that 89% said they had experienced one or more incidents of sexual harassment in their working life.<sup>68</sup> Similar rates are reported by nurses and those who do care work.<sup>69</sup>

### **Change in prevalence over time**

There has been scant longitudinal data has been gathered on sexual harassment. Longitudinal studies of sexual harassment are particularly affected by the substantial change in cultural attitudes in the past decades. As noted in a review by the National Academy of Sciences<sup>70</sup> trends in incidence rates can only be investigated where the same measurement instrument is used consistently. A review by McDonald<sup>71</sup> (2012) supports the view that the results of the few existing longitudinal studies are mixed, and any conclusions drawn from this data should be treated with caution.

### **International evidence**

While the focus of the current work is on sexual harassment in UK workplaces, studies from elsewhere can bring important context and perspectives to the discussion. International efforts to measure the prevalence of sexual harassment in the workplace have existed for some time.

Research carried out by StopStreetHarassment.org (USA) – focussed on harassment in public spaces such as stores, restaurants, parks and public transport - has conducted three large, nationally representative sexual harassment surveys since 2014 in the USA<sup>72</sup> using behavioural descriptors; the 2019 survey found that 81% of women reported experiencing some form of sexual harassment in their lifetime.

Research carried out by the European Union Agency for Fundamental Rights (FRA) in 2014<sup>73</sup> surveyed 42,000 people about sexual harassment across 28 member states. Using an 11-item list of behaviours, they estimate that 45% to 55% of women in these

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<sup>66</sup> Thompson, B. (2019, May 15) Sexual harassment and bullying rife in legal profession, The Financial Times. Retrieved from: <https://www.ft.com/content/cf4517ac-7657-11e9-be7d-6d846537acab>

<sup>67</sup> BBC and ComRes. (2017). Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>68</sup> Topping, A. (2018, Jan 21). Sexual harassment rampant in hospitality industry, The Guardian. Retrieved from: <https://www.theguardian.com/world/2018/jan/24/sexual-harassment-rampant-hospitality-industry-unite-survey-finds>

<sup>69</sup> Nielsen, M. B. D., Kjær, S., Aldrich, P. T., Madsen, I. E., Friberg, M. K., Rugulies, R., & Folker, A. P. (2017). Sexual harassment in care work—dilemmas and consequences: A qualitative investigation. *International journal of nursing studies*, 70, p. 125.

<sup>70</sup> National Academies of Sciences, Engineering, and Medicine. (2018). *Sexual harassment of women: climate, culture, and consequences in academic sciences, engineering, and medicine*. National Academies Press, p. 40.

<sup>71</sup> McDonald, P. (2012). Workplace sexual harassment 30 years on: A review of the literature. *International Journal of Management Reviews*, 14(1), 1-17, p. 3.

<sup>72</sup> Kearl, H. (2014). *Unsafe and harassed in public spaces: A national street harassment report*. Retrieved from <https://www.stopstreetharassment.org/wp-content/uploads/2012/08/2014-National-SSH-Street-Harassment-Report.pdf>, p. 8.

<sup>73</sup> European Union Agency for Fundamental Rights (2014). *Violence against women: an EU-wide survey*. Retrieved from: <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>, p.95-117.

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countries have experienced sexual harassment since the age of 15. There was significant variation between countries, for example in Denmark 80% of women had experienced sexual harassment since the age of 15, whereas in Belgium the figure was 24%. The report states that one of the key elements explaining this variation was cultural differences with regard to the type of behaviour that is considered adverse, again highlighting the subjective nature of labelling sexual harassment.

## Limitations of the existing data

Research has shown that very few quantitative reports provide justification for or validation of the typologies used to quantify sexual harassment in the workplace, with significant differences between many of the recent studies. This has demonstrated the need for more robust evidence relating to the incidence of sexual harassment, with significant consideration needed on the typology of sexual harassment used for this purpose to ensure an accurate, understandable and comprehensive analysis of this issue.

There are two key issues with the existing studies: first, a lack of nationally representative studies measuring incidence and, second, issues of statistical significance for subgroup analysis. Additionally, the design of many of these studies is not robust enough to support government requirements in terms of both national and subgroup statistical significance.

### National representation

Two of the only workplace sexual harassment surveys to sample a nationally representative cross-section of the UK were carried out by ComRes.<sup>74</sup> While the sample of both was described as representative by age, gender, region and social grade, evidence has shown that ethnicity and sexual orientation are also key distinguishing factors in the experience of sexual harassment and should be considered in any research design to ensure accurate representation. Other major surveys, such as those by Prospect and TUC, focus on a specific group: Prospect surveyed only its members, while the TUC only working *female* members. Neither of these studies used representative or weighted sampling.

Furthermore, all the surveys included in this review (and the vast majority of those found) survey those aged 18 and over, excluding those aged 16-17 who may be working in some capacity and therefore should be included in workplace research.

### Statistical significance

A consideration of the robustness of the sample size and available base sizes for *meaningful* subgroup analysis across other demographic characteristics is also an issue for many recent studies.

The ComRes survey of n=6,206 British adults is the largest survey available for the UK population in relation to workplace sexual harassment, providing a large nationally representative base with a margin of error of only 1.24 percentage points. However,

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<sup>74</sup> BBC and ComRes. (2017). Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

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even with this large base and small margin of error, the base sizes available for *subgroups* would in many cases be too small to enable equally robust analysis by subgroups, which requires a very low margin of error for *each subgroup*, not just for the national population. This has important implications for meaningful analysis of key subgroups: whilst comparative analysis by gender would be possible on this base size, it would not be robust enough for age, ethnicity, or sexual orientation, much less disability or socio-economic level.

A statistically significant, nationally representative study that enabled meaningful analysis of all key demographic groups will be crucial to enable robust evidence of workplace sexual harassment in the UK.

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# Chapter 3

Profiling of victims, perpetrators  
and bystanders

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## 3 Profiling of victims, perpetrators and bystanders

Sexual harassment in the workplace involves three types of individuals: victims, perpetrators and bystanders. The characteristics, role and influence of each will be examined in this chapter in detail, alongside the relationships that exist between them. The chapter will focus primarily on victims; there is an established body of research on this group, while there is a notable lack of research into perpetrators and bystanders.

### Victims

A victim in this context is someone who has suffered sexual harassment because of the actions of another person or persons. There are a multitude of other factors concerning gender, age, ethnicity, job status, and sexual orientation, which intersect with the power dynamics of sexual harassment and can lead to an increased likelihood of experiencing the behaviour for some individuals. The following section will synthesise these findings in order to create a profile of those involved as the targets of sexual harassment, and their experiences of it.

### Gender

Women are more likely to be victims of sexual harassment than men. Research that focuses on the relationships between women as victims and men as perpetrators refers to four main theories that seek to explain the underlying factors causing sexual harassment to occur, these include: sex-role spill-over, gender policing, social power imbalance, and the natural biological model.

#### *Sex-role Spill-over*

The Sex-role Spill-over theory was developed by Gutek and Morasch in 1982, and explains sexual harassment occurring as a result of gender-based roles being inappropriately carried over into the workplace (spill-over).<sup>75</sup> This effect happens when the societal norms and expectations of individuals as either a man or a woman are incongruous to the job they work in. In the case of men, for example, their jobs are perceived to require assertiveness, rationality and power, while women are perceived to have jobs that require nurturance and passivity. The qualities associated with women are not necessarily valued in the world of work, and thus are more problematic in this regard than the qualities associated with men. Furthermore, these qualities align with men as sex agents and women as sex objects.<sup>76</sup> Therefore, the sexual objectification of women can result in unwanted sexual behaviours targeted at them. This theory is most applicable to organisations where the spread of employees is heavily male dominated. Whereas Gutek et al. (1987) found that in organisations with more of an even sex ratio,

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<sup>75</sup> Gutek, B. A., & Cohen, A. G. (1987). Sex ratios, sex role spillover, and sex at work: A comparison of men's and women's experiences. *Human Relations*, 40(2), 97-115, p. 98.

<sup>76</sup> Berdahl, J. L. (2007). The sexual harassment of uppity women. *Journal of Applied Psychology*, 92(2), 425, p. 426.

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there are less incidences of sexual harassment, although it should be noted that this study was conducted over 30 years ago.<sup>77</sup>

#### *Gender Policing*

Another approach to explaining sexual harassment in the workplace is the gender policing theory.<sup>78</sup> This theory conveys the significant part traditional gender roles have to play in sexual harassment and can build on sex-role spill-over theory, through its explanation of why these incidences occur. The notion behind gender policing is that individuals may be punished for deviating from the societal norm of traditional gender roles, which can manifest through unwanted sexual behaviours.<sup>79</sup> Gender policing is perhaps a more inclusive explanation than sex-role spill-over theory, as it can be used to explain the less typical form of sexual harassment, that is directed towards men, which commonly involves same-sex pairs.<sup>80</sup> This is supported by Waldo et al. (1998) who found that men more commonly report instances of sexual harassment from other men than from women.<sup>81</sup>

#### *Social Power Imbalance*

A further explanation cited in the literature surrounding sexual harassment is the concept of power imbalance.<sup>82</sup> The theory explains how power differentials within an organisation influence the likelihood of sexual harassment occurring:<sup>83</sup> those in higher status roles are able to make sexual demands of those in lower status roles. This power dynamic can lead to quid pro quo harassment, whereby sexual behaviours are exchanged for employment opportunity/retention, in an abuse of power. As cases of sexual harassment frequently involve two individuals of differing job status levels within the organisation,<sup>84</sup> social power imbalance is a useful explanation to consider. For example, a recent survey by the Equality and Human Rights Commission found senior colleagues to be the most common perpetrators of sexual harassment.<sup>85</sup> Thus conveying how victims of sexual harassment often have less power than their perpetrator, and consequently, they may find it much more difficult to report such experiences. This may be due to fears over challenging the hierarchy within an organisation, and that they could lose their job as a result.<sup>86</sup> The disinclination for victims to report sexual harassment in the workplace is explored further in Chapter 4.

Included in this theory are cases of sexual harassment in the workplace that involve men in junior positions harassing women in senior positions, or of the same job status,

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<sup>77</sup> Gutek, B. A., & Cohen, A. G. (1987). Sex ratios, sex role spillover, and sex at work: A comparison of men's and women's experiences. *Human Relations*, 40(2), 97-115, p. 113.

<sup>78</sup> Konik, J., & Cortina, L. M. (2008). Policing gender at work: Intersections of harassment based on sex and sexuality. *Social Justice Research*, 21(3), 313-337, p. 316.

<sup>79</sup> Konik, J., & Cortina, L. M. (2008). Policing gender at work: Intersections of harassment based on sex and sexuality. *Social Justice Research*, 21(3), 313-337, p. 319.

<sup>80</sup> McDonald, P., & Charlesworth, S. (2015). Workplace sexual harassment at the margins. *Work, employment and society*, 30(1), 1-17, p. 2.

<sup>81</sup> Waldo, C. R., Berdahl, J. L., & Fitzgerald, L. F. (1998). Are men sexually harassed? If so, by whom?. *Law and human behavior*, 22(1), 59-79, p. 69

<sup>82</sup> Cleveland, J. N., & Kerst, M. E. (1993). Sexual harassment and perceptions of power: An under-articulated relationship. *Journal of Vocational Behavior*, 42(1), 49-67.

<sup>83</sup> Pina, A., Gannon, T. A., & Saunders, B. (2009). An overview of the literature on sexual harassment: Perpetrator, theory, and treatment issues. *Aggression and violent behavior*, 14(2), 126-138, p. 131.

<sup>84</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace, Fifth Report of Session, p. 27.

<sup>85</sup> Equality and Human Rights Commission. (2018). Turning the tables; ending sexual harassment at work, p. 3.

<sup>86</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace, Fifth Report of Session, p. 27.



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which can be more common than perpetrators being in a position of authority.<sup>87</sup> These instances can still be explained by the theory, when it is considered that the perpetrators possess a level of power over their victims, but not necessarily in an organisational capacity. They are able to assert dominance over victims due to other characteristics that make them more powerful, e.g. simply being male is enough for a man to feel more powerful than a woman.<sup>88</sup> Harassment that occurs in this way is defined as contra power harassment,<sup>89</sup> which can be explained via the diffuse master status, namely when individuals are viewed as more powerful socially on the basis of their sex being male.<sup>90</sup> Consequently, they may attempt to assert their dominance over females through unwanted sexual behaviours, in order to uphold this power dynamic and maintain their masculinity.<sup>91</sup>

### *Natural-Biological Model*

Another explanation is the natural-biological model.<sup>92</sup> This approach – which is heavily disputed - suggests that natural sexual desirability is the foundation of sexual harassment in the workplace. In this theory, men sexually harass women as a result of natural feelings of sexual attraction, which builds on mate selection evolutionary theory. Men are evolutionarily adapted to be sexually aggressive towards women to secure a mate, in order to maximise their reproductive success.<sup>93</sup> This behaviour is carried over into the workplace and results in sexual harassment towards women. As an approach, this has been heavily disputed in the literature on the basis that it disregards all other factors such as the influence of societal norms, and it also suggests that all men *should* be engaging in sexual harassment towards women in the workplace.

### *Men as victims*

Despite most of the literature on sexual harassment focusing on men as the perpetrators, it should not be ignored that they can also be victims of unwanted sexual behaviour. Surprisingly, the prevalence of men experiencing sexual harassment is much higher than research has previously shown. According to McLaughlin et al. (2012), about a third of the 224 men in their sample experienced sexual harassment in the workplace.<sup>94</sup> This figure may also be much higher, as most research surrounding the sexual harassment of men compares these experiences to that of women, when they may differ. For instance, social norms might make men feel less able to label something as sexual harassment and therefore report it. There is a lack of research into this, with many of the surveys surrounding sexual harassment in the workplace only including

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<sup>87</sup> Too, Y. L., & Brant, C. (Eds.). (1994). Rethinking sexual harassment. Pluto Press.

<sup>88</sup> Brassel, S. T., Settles, I. H., & Buchanan, N. T. (2019). Lay (mis) perceptions of sexual harassment toward transgender, lesbian, and gay employees. *Sex Roles*, 80(1-2), 76-90, p. 77-78.

<sup>89</sup> Benson, K. A. (1984). Comment on Crocker's "An Analysis of University Definitions of Sexual Harassment". *Signs: Journal of Women in Culture and Society*, 9 (3), 516-519, p. 517.

<sup>90</sup> Fain, T. C., & Anderton, D. L. (1987). Sexual harassment: Organizational context and diffuse status. *Sex Roles*, 17(5-6), 291-311, p. 292.

<sup>91</sup> Fielden, S. L., Davidson, M. J., Woolnough, H., & Hunt, C. (2010). A model of racialized sexual harassment of women in the UK workplace. *Sex roles*, 62(1-2), 20-34, p. 21-22.

<sup>92</sup> Pina, A., Gannon, T. A., & Saunders, B. (2009). An overview of the literature on sexual harassment: Perpetrator, theory, and treatment issues. *Aggression and violent behavior*, 14(2), 126-138, p. 132.

<sup>93</sup> Browne, K. R. (2006). Sex, power, and dominance: The evolutionary psychology of sexual harassment. *Managerial and Decision Economics*, 27(2-3), 145-158, p. 147.

<sup>94</sup> McLaughlin, H., Uggen, C., & Blackstone, A. (2012). Sexual harassment, workplace authority, and the paradox of power. *American sociological review*, 77(4), 625-647.p. 640

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female respondents.<sup>95</sup> This is a significant limitation of the following research and should be considered when interpreting this review.

## Age

Age plays a significant role in the prevalence of sexual harassment, whereby younger women are more likely to experience sexual harassment than their older counterparts.<sup>96</sup> As mentioned previously, the TUC poll found that more women aged 18-24 had experienced some form of sexual harassment in comparison to women of all other age groups. It should be noted here that this poll only included women.

Similar findings were also found in a survey conducted by the EU Agency for Fundamental Rights (FRA) that involved 42,000 interviews with women from all 28 EU member states. Results showed 18–29-year-old women were more susceptible to cyber-sexual harassment than women in older age groups.<sup>97</sup> This involves sexually harassing behaviours via the internet or text messages, thus highlighting how perpetrators could be using different methods of harassment towards these age groups. Organisations need to account for more subtle, hidden forms of harassment when taking any precautionary measures against sexual harassment. Such policy intervention strategies will be explored further in Chapter 5.

Most research on the influence of age in workplace sexual harassment fails to account for those younger than 18, with an exclusion of 16–17-year-olds who may be in work (as is the case in the TUC and ComRes polls).<sup>98,99</sup> This is a potentially vital age group to survey on the basis that these workers may be more vulnerable to unwanted sexual behaviours than any other age group. These younger workers are also more likely to be acting as interns or are in a work experience capacity,<sup>100</sup> and perpetrators may see them as ‘easy targets’ on the basis that they won’t be working for the organisation permanently and so they are more likely to get away with these behaviours.<sup>101</sup> Furthermore, if an intern or volunteer does not have a contract they may not be subject to the protections of the Equality Act, although most interns are thought to be protected.<sup>102</sup> This is an important issue that must be explored further in order to gain an accurate understanding of the incidence rate for these age groups, and also so that they can be protected in future.

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<sup>95</sup> For example: Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016; and Young Women’s Trust (2018). It’s (Still) a Rich Man’s World: Inequality 100 Years After Votes for Women. Young Women’s Trust Annual Survey 2018. Retrieved from: <https://www.equallyours.org.uk/young-womens-trust-annual-survey-2018-its-still-a-rich-mans-world/>

<sup>96</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p. 8.

<sup>97</sup> EU Agency for Fundamental Rights. (2014). Violence Against Women: An EU wide survey, p. 87.

<sup>98</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016.

<sup>99</sup> ComRes (2017). Sexual Harassment in the Workplace. Retrieved from ComRes: <https://www.comresglobal.com/polls/bbc-radio-5live-sexual-harassment-in-the-workplace-survey/>

<sup>100</sup> Close the Gap. (2018). Close the Gap submission to the UK Government Women and Equalities Committee inquiry on sexual harassment in the workplace, p. 17.

<sup>101</sup> Bowling, N. A., & Beehr, T. A. (2006). Workplace Harassment from the Victim’s Perspective: A Theoretical Model and Meta-Analysis. *Journal of Applied Psychology*, 998-1012, p. 1000.

<sup>102</sup> Equality Act 2010, Sections 39–53.

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## Ethnicity

There is little consistent evidence in relation to ethnicity and likelihood to experience sexual harassment.

Some studies have found that being of an ethnic minority increases your likelihood of experiencing sexual harassment in the workplace. For instance, Buchanan et al. (2008) found that Black women experience higher incidences and more severe sexual harassment, while Berdahl and Moore<sup>103</sup> (2006) found that ethnic minority women reported more harassment levels overall than White women or ethnic minority men. In contrast, the 2016 TUC polling determined that there is insufficient evidence to determine if ethnicity significantly influences the incidence of sexual harassment,<sup>104</sup> and Fielden et al. (2010) highlighted how there are many inconsistencies within research of this group.<sup>105</sup>

Some research has suggested that ethnic minority groups may experience different types of sexual harassment: in a study of women within the military, White participants reported more overall sexual harassment, while Black respondents reported more unwanted sexual attention and coercion.<sup>106</sup> A potential reason for these inconsistencies is that it is hard to separate experiences of racial harassment from sexual harassment, and so this may have resulted in differing incidence rates dependent on the way sexual harassment is defined and measured in a study. TUC argue that ethnic minorities' experiences of sexual harassment are often intertwined with racial harassment.<sup>107</sup> This was supported by a 2005 study of African American women, who reported the belief that their personal experiences of sexual harassment differed to that of White women, and was most salient when perceived as the 'jezebel', i.e. stereotypically lascivious in nature.<sup>108</sup> Consequently, it could be posited that sexual harassment should be defined and measured in an alternate way for those of minority ethnic backgrounds, in order to accurately measure incidence rates for these groups of individuals within the workplace.

## LGBT

Until relatively recently, there has been a lack of research into sexual harassment in the workplace involving LGBT individuals; while the emerging literature is not vast, it does provide some suggestions of the experience of this group.

For LGBTQ employees, their experience of sexual harassment may involve hostile behaviours exhibited towards them from a sex/gender viewpoint, while for heterosexual employees it may involve sexual overtures;<sup>109</sup> this raises the question of whether these

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<sup>103</sup> Berdahl, J. L., & Moore, C. (2006). Workplace harassment: double jeopardy for minority women. *Journal of Applied Psychology*, 91(2), 426, p. 433.

<sup>104</sup> Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in 2016*, p. 10.

<sup>105</sup> Fielden, S. L., Davidson, M. J., Woolnough, H., & Hunt, C. (2010). A model of racialized sexual harassment of women in the UK workplace. *Sex roles*, 62(1-2), 20-34, p. 21.

<sup>106</sup> Buchanan, N. T., Settles, I. H., & Woods, K. C. (2008). Comparing sexual harassment subtypes among black and white women by military rank: Double jeopardy, the jezebel, and the cult of true womanhood. *Psychology of Women Quarterly*, 32(4), 347-361, p. 355.

<sup>107</sup> Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in 2016*, p. 10.

<sup>108</sup> Buchanan, N. T. (2005). The nexus of race and gender domination: The racialized sexual harassment of African American women. In *The company of men: Re-discovering the links between sexual harassment and male domination*, 294-320, p. 306.

<sup>109</sup> Brassel, S. T., Settles, I. H., & Buchanan, N. T. (2019). Lay (mis) perceptions of sexual harassment toward transgender, lesbian, and gay employees. *Sex Roles*, 80(1-2), 76-90, p. 77.

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experiences should be explored separately within studies and, like racialised sexual harassment, be included under different definitions.

LGBT employees may also experience more sexual harassment than their cisgender<sup>110</sup> heterosexual counterparts as a result of gender policing.<sup>111</sup> As referenced above, this is when deviations from traditional masculine/feminine gender norms are punished with the aim of reinforcing these norms. This may also be more salient for transgender employees, as they directly challenge the notion that gender is binary, and so may receive an increased backlash from other members of their workplace for obvious deviation from gender norms.<sup>112</sup>

The Government Equalities Office National LGBT survey, conducted in 2017 with 118,420 participants, found that 2.2% of LGBT individuals had experienced sexual harassment or violence in the workplace in the 12 months preceding the survey. This increased to 2.7% amongst trans women. Although this survey does not enable comparison with other groups in the population, it is indicative of the levels of sexual harassment in the workplace that LGBT individuals can experience. Furthermore, in open ended questions in the survey LGBT individuals described experiencing discrimination, harassment and bullying due to being LGBT, or being thought to be LGBT.<sup>113</sup>

Additionally, Brassel et al. (2019),<sup>114</sup> found that bystanders view sexual harassment directed towards transgender individuals very differently to that of LGB and cisgender heterosexual individuals. It was viewed as less acceptable by bystanders on the basis that it was seen to be motivated by power and prejudice rather than by sexual attraction. As highlighted by Brassel et al. (2019), this may have occurred due to the relative novelty of transgender individuals to public discourse and the levels of prejudice they experience, resulting in participants feeling more empathetic towards them.<sup>115</sup> This highlights the uncertainty regarding the motivations behind sexual harassment, especially in terms of transgender individuals.

### **Employment Status and Sector**

Employment status may also influence the likelihood of an individual experiencing sexual harassment, specifically if they are employed on a temporary or casual basis. Various research suggests these individuals are more likely to experience sexual harassment than those employed permanently.<sup>116,117</sup> Furthermore, those on a temporary contract are more likely to be employed in the services sector,<sup>118</sup> and within this sector,

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<sup>110</sup> An adjective used to describe a person whose gender identity aligns to the sex assigned to them at birth.

<sup>111</sup> Konik, J., & Cortina, L. M. (2008). Policing gender at work: Intersections of harassment based on sex and sexuality. *Social Justice Research*, 21(3), 313-337, p. 332.

<sup>112</sup> Nagoshi, J. L. (2007). Deconstructing the complex perceptions of gender roles, gender identity, and sexual orientation among transgender individuals. *Feminism & Psychology*, 22(4), 405-422, p. 406.

<sup>113</sup> Government Equalities Office. (2018). National LGBT Survey: Research Report, p. 151-152

<sup>114</sup> Brassel, S. T., Settles, I. H., & Buchanan, N. T. (2019). Lay (mis) perceptions of sexual harassment toward transgender, lesbian, and gay employees. *Sex Roles*, 80(1-2), 76-90, p. 84.

<sup>115</sup> Norton, A. T., & Herek, G. M. (2013). Heterosexuals' attitudes toward transgender people: Findings from a national probability sample of US adults. *Sex roles*, 68(11-12), 738-753, p. 750.

<sup>116</sup> Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in 2016*, p. 9.

<sup>117</sup> Women and Equalities Committee (2018). *Sexual harassment in the workplace, Fifth Report of Session*, p. 7.

<sup>118</sup> EU Agency for Fundamental Rights (2014), as cited in Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in 2016*, p. 9.

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the hospitality and leisure industry has been found to have 67% of women reporting experiences of sexual harassment in comparison to an average of 52%.<sup>119</sup> In the services sector, third party harassment is more likely to occur due to the prominence of customer-facing roles. This involves an employee experiencing harassment from an individual who is not employed by the same organisation e.g. by a client or customer. The TUC polling found that 7% of women had experienced third-party harassment, while 13% of younger women had experienced it. It could be particularly difficult for victims of this type of harassment to act, as many may feel obliged to please the customer on the basis that 'the customer is always right'.<sup>120</sup> These attitudes need to change and more needs to be done by employers in protecting their workers and punishing the perpetrators.

## Perpetrators

Most research into the characteristics of those involved in sexual harassment focuses on the victim, with a lack of research on the characteristics of those with a tendency to act as a *perpetrator*. Within the existing literature, it is widely accepted that perpetrators are most commonly men; however, literature shows there are some other characteristics that have also been identified, including: socio-demographics, the link of this to positions of power, and links to specific personality traits.

### Age, gender and position of power

According to Pina, Gannon and Saunders' literature review (2009), male perpetrators of sexual harassment have a higher likelihood of being married, older, of a higher education level and in a more senior role than the target of their harassment.<sup>121</sup> This aligns with the findings mentioned above relating to perpetrators being in a position senior to the victim of their harassment. Being married, older and of a higher education level, are all factors that increase the "diffuse status" of the harasser; thus, they are more likely to be in a more powerful position than the target of their harassment.<sup>122</sup> This supports the explanation that perpetrators commit acts of sexual harassment in order to assert dominance over their victim.

### Personality traits

In terms of personality traits associated to the perpetrators' tendency to engage in unwanted sexual behaviours, there seems to be a modest correlation.<sup>123</sup> However, more recently the Big Five has been developed to include another trait of Honesty-Humility, and, this trait was found by Lee et al. (2003) to have a strong negative association to the Likelihood to Sexually Harass (or LSH, a scale developed by Pryor in 1987).<sup>124</sup> The trait of Honesty-Humility is explained by the tendency to exploit others,

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<sup>119</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p. 15.

<sup>120</sup> Vaughn, L. B. (2002). The Customer is Always Right... Not! Employer Liability for Third Party Sexual Harassment, Michigan Journal of Gender and Law, 9(1). p. 6.

<sup>121</sup> Pina, A., Gannon, T. A., & Saunders, B. (2009). An overview of the literature on sexual harassment: Perpetrator, theory, and treatment issues. Aggression and violent behavior, 14(2), 126-138. p. 129.

<sup>122</sup> Fain, T. C., & Anderton, D. L. (1987). Sexual harassment: Organizational context and diffuse status. Sex Roles, 17(5-6), 291-311. p. 292.

<sup>123</sup> Lee, K., Gizzarone, M., & Ashton, M. C. (2003). Personality and the likelihood to sexually harass. Sex roles, 49(1-2), 59-69, p. 59.

<sup>124</sup> Pryor, J. B. (1987). Sexual harassment proclivities in men. Sex Roles, 17(5-6), 269-290, p. 273.

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whereby those low in Honesty-Humility are more likely to exploit others and resultantly have a higher proclivity to sexually harass. Furthermore, according to Pina et al. (2009), perpetrators also lack a social conscience and display irresponsible or exploitative behaviours, supporting the idea that they are low in honesty and humility. This has significant implications for organisations that may use personality testing within their HR process, in that they may be more able to identify those likely to harass.

More recently Page & Pina (2018) have explored the relationship between moral disengagement and LSH.<sup>125</sup> They draw on Bandura's Social Cognitive Theory (SCT) (1986)<sup>126</sup> to explain the motivations behind sexually harassing behaviours. In their paper, Page and Pina argue that moral disengagement is used to cognitively restructure harassment into behaviour that is socially acceptable and to mitigate the moral salience of their actions. For instance, those higher in moral disengagement may exhibit sexually harassing behaviours, but they perceive them to be 'flirting' or 'banter', and consequently they evaluate these instances to be less morally unacceptable. In relation to this perception, Page & Pina found that measures of negative affect, such as guilt and shame regarding harassment, were reduced and positive affect were increased. Subsequently it could be argued that perpetrators may be more inclined to engage in harassing behaviours, as they are less likely to experience self-censure.

Furthermore, this cognitive distortion could be extended into perpetrators feeling pleasure towards their misconduct, through viewing it as righteous behaviour to put victims 'in their rightful place'. Page and Pina argued that this was due to increased feelings of positive affect as a result of harassing behaviours, which could increase the likelihood of perpetrators to engage in future instances of sexual harassment.

## Bystanders

Bystanders are individuals that observe an instance of sexual harassment but aren't the perpetrator or victim. This could include individuals that victims may confide in, so could be someone who does not work for the organisation, i.e. a friend or family member.<sup>127</sup> The actual experience of sexual harassment for bystanders can determine their reactions and whether they deem it appropriate to intervene; for instance, if they witness the event they may be more likely to take action than if they hear of it through others.<sup>128</sup> Therefore, the role and influence of bystanders is an important aspect of the literature surrounding sexual harassment in the workplace.

Similar to that of perpetrators, literature on bystander behaviour is minimal in comparison to the literature surrounding victims. Many of the studies that are available pre-date 2000, and often lack representativeness by drawing on university students as

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<sup>125</sup> Page, T. E., & Pina, A. (2018). Moral disengagement and self-reported harassment proclivity in men: the mediating effects of moral judgment and emotions. *Journal of sexual aggression*, 24(2), 157-180.

<sup>126</sup> Bandura, A. (1986). *Social foundations of thought and action*. Englewood Cliffs, NJ.

<sup>127</sup> Powell, A. (2011). *Review of bystander approaches in support of preventing violence against women*. Victorian Health Promotion Foundation, p. 8.

<sup>128</sup> Bowes-Sperry, L., & O'Leary-Kelly, A. M. (2005). To act or not to act: The dilemma faced by sexual harassment observers. *Academy of Management Review*, 30(2), 288-306, p. 289.

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participants and fictional vignettes that lead a social desirability skew in the findings.<sup>129</sup> Of the literature that does exist, there are a small range of statistics regarding bystander behaviour. A 2008 survey in Australia found that the most common responses by bystanders (approximately 80%) was talking or listening to the victim or giving advice, while only just over a third formally reported it or confronted the perpetrator. However, the proportion of bystanders that acted was more than double the number of victims who formally reported behaviours.<sup>130</sup>

### **Determinants of bystander action**

Bystanders of sexual harassment may take it upon themselves to intervene when witnessing incidents via a range of possible behaviours. This could be formally reporting the harassment, criticising the harasser's behaviour and communicating that to them, or stopping the harassment occurring as it unfolds.<sup>131</sup> Whether these behaviours are actually exhibited by bystanders is dependent on a range of contextual and personal factors, including perceptions of the relationship between the victim and harasser, perceptions of personal responsibility, and an ability to identify socially with the victim.

#### *Perceived personal relationship*

Building on traditional bystander theory, Levine (1999) uses the witness statement of bystanders in the infamous James Bulger murder trial to demonstrate how a significant factor in the choice to act or not is whether the bystander perceives a personal relationship between the individuals involved.<sup>132</sup> If they perceive there to be a significant familial or intimate relationship they are less likely to intervene, as they may view the situation to be a lovers' quarrel and that it's "none of my business."<sup>133</sup> This is quite a salient reason for inaction, due to most sexual harassment in the workplace involving co-workers, it can imply that there is some form of interaction between them.<sup>134</sup> Some harassers may even use this to their advantage, by attempting to create the impression that there is a personal relationship between themselves and their victim, in order to discourage witnesses from intervening.<sup>135</sup> This highlights how the perceived ambiguity of relationships may result in less instances of bystander reporting of sexual harassment in the workplace.

#### *Lack of personal responsibility*

Bystander inaction can also occur when an incident of sexual harassment is unfolding, typically when there are multiple observers, and all fail to act. This is defined as bystander apathy<sup>136</sup> and is linked to social influence, whereby the presence of multiple

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<sup>129</sup> McDonald, P., Charlesworth, S., & Graham, T. (2016). Action or inaction: Bystander intervention in workplace sexual harassment. *The International Journal of Human Resource Management*, 27(5), 548-566, p. 549.

<sup>130</sup> Australian Human Rights Commission. (2008). *Sexual Harassment: Serious Business. Results of the 2008 Sexual Harassment National Telephone Survey*, p. 15.

<sup>131</sup> Bowes-Sperry, L., & O'Leary-Kelly, A. M. (2005). To act or not to act: The dilemma faced by sexual harassment observers. *Academy of Management Review*, 30(2), 288-306, p. 290.

<sup>132</sup> Levine, M. (1999). Rethinking bystander non-intervention: Social categorization and the evidence of witnesses at the James Bulger murder trial. *Human Relations*, 52(9), 1133-1155, p. 1148-1153.

<sup>133</sup> Levine, M. (1999). Rethinking bystander non-intervention: Social categorization and the evidence of witnesses at the James Bulger murder trial. *Human Relations*, 52(9), 1133-1155, p. 1136, 1148-1153.

<sup>134</sup> Bowes-Sperry, L., & O'Leary-Kelly, A. M. (2005). To act or not to act: The dilemma faced by sexual harassment observers. *Academy of Management Review*, 30(2), 288-306, p.295.

<sup>135</sup> Bowes-Sperry, L., & O'Leary-Kelly, A. M. (2005). To act or not to act: The dilemma faced by sexual harassment observers. *Academy of Management Review*, 30(2), 288-306, p.295.

<sup>136</sup> Latané, B., & Darley, J. M. (1970). *The unresponsive bystander: Why doesn't he help?*. Appleton-Century-Crofts, p. 20.

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observers leads to diffusion of responsibility and audience inhibition.<sup>137,138,139</sup> Observers may be less likely to act if they believe other observers in the group are more capable to act, leading to nobody taking action.<sup>140</sup>

Research has found that this phenomenon can be mitigated through ‘focused responsibility’. By allocating ‘focused responsibility’ to certain individuals, i.e. they are asked to assist in emergency situations, it can result in them being more likely to act if they observe sexual harassment occurring.<sup>141</sup> This finding has practical implications for organisational approaches to sexual harassment intervention.

#### *Ethnicity*

There are complexities that can arise in determining whether a bystander should act based on ethnic background. If a bystander is of the same ethnicity to the victim of the harassment, i.e. of the same in-group, they may feel more compelled to act than if the target is a member of an out-group. This is based on the idea of social identity theory in that we identify more with those similar to ourselves.<sup>142</sup> For instance, research has found both Black and White bystanders are more inclined to support individuals of the same ethnicity as themselves when determining whether sexual harassment has actually occurred.<sup>143</sup> This finding needs to be considered when developing intervention strategies, as organisations that identify individuals to be placed with ‘focused responsibility’ should be of a variety of ethnic backgrounds. This is even more salient when it is considered that those of ethnic minority backgrounds may be more likely to be targets of sexual harassment. However, it also suggests that on a larger scale individuals should be encouraged to widen their concept of social identity, and any work in this space should consider other characteristics as well, to make interventions as impactful and inclusive as possible.

#### *Inadvertent impact*

Bystanders can purposefully or not purposefully co-participate in the behaviours exhibited by the perpetrator, which can have the effect of being even more humiliating towards victims.<sup>144</sup> This often occurs when bystanders encourage harassment in order to go along with the majority and avoid being seen as going against the curve, most common in situations where the organisation is heavily male-dominated. For instance, McDonald (2016)<sup>145</sup> found a distressing outcome of bystander behaviour was when

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<sup>137</sup> Clark, R. D., & Word, L. E. (1972). Why don't bystanders help? Because of ambiguity?. *Journal of Personality and Social Psychology*, 24(3), 392.

<sup>138</sup> Clark, R. D., & Word, L. E. (1974). Where is the apathetic bystander? Situational characteristics of the emergency. *Journal of Personality and Social Psychology*, 29(3), 279.

<sup>139</sup> Latané, B., & Nida, S. (1981). Ten years of research on group size and helping. *Psychological bulletin*, 89(2), 308.

<sup>140</sup> Bowes-Sperry, L., & O'Leary-Kelly, A. M. (2005). To act or not to act: The dilemma faced by sexual harassment observers. *Academy of Management Review*, 30(2), 288-306, p.295.

<sup>141</sup> Shaffer, D. R., Rogle, M., & Hendrick, C. (1975). Intervention in the library: The effect of increased responsibility on bystanders' willingness to prevent a theft. *Journal of Applied Social Psychology*, 5(4), 303-319, p. 317.

<sup>142</sup> Turner, J. C., & Tajfel, H. (1986). The social identity theory of intergroup behavior. *Psychology of intergroup relations*, 5, 7-24.

<sup>143</sup> Wuensch, K. L., Campbell, M. W., Kesler, F. C., & Moore, C. H. (2002). Racial bias in decisions made by mock jurors evaluating a case of sexual harassment. *The Journal of social psychology*, 142(5), 587-600, p. 597.

<sup>144</sup> McDonald, P., Charlesworth, S., & Graham, T. (2016). Action or inaction: Bystander intervention in workplace sexual harassment. *The International Journal of Human Resource Management*, 27(5), 548-566, p. 558.

<sup>145</sup> McDonald, P., Charlesworth, S., & Graham, T. (2016). Action or inaction: Bystander intervention in workplace sexual harassment. *The International Journal of Human Resource Management*, 27(5), 548-566, p. 558.



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observers laughed at the harasser's actions, acting to reinforce this behaviour and causing more embarrassment for the victim.

While the above provides a starting point to understanding bystander behaviour and highlights how bystanders may feel more confident in taking action than victims, which organisations should consider in their training on sexual harassment to encouraging those aware of incidents to report it. However, it is clear that more needs to be done to explore this area of research to build a robust framework of interventions that organisations can follow in order to help bystanders to act and help prevent sexual harassment in the workplace.

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# Chapter 4

## Reporting and response in the workplace

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## 4 Reporting and response in the workplace

This chapter explores the existing research on incidence of reporting sexual harassment in the workplace, the reasons for non-reporting and the mechanisms behind this and the impacts of non-reporting.

It should be noted that although the research reviewed in this section has all been published post-2000, where research is less contemporary the findings should be treated with caution. This decision is based on the understanding that cultural shifts and the dialogue around sexual harassment in the workplace is rapidly evolving, therefore in some cases older findings may be less reliable.

### Incidence of reporting

Evidence from the Fundamental Rights Agency's gender-based violence survey (2012) showed four types of responses to sexual harassment: formal reports, informal complaints, social support strategies and attempts to communicate with the harasser. Victims' likelihood to respond in these different ways is in part determined by the emotions and perceptions of the harassment. The research shows that victims are more likely to seek social support and to avoid reporting formally when they are harassed by supervisors, compared to when they are harassed by peers. This demonstrates how workplace structures and the position of the perpetrator in relation to the victim has an impact on the reporting mechanism used and can increase likelihood of non-reporting. Understanding the reasons for non-reporting of workplace sexual harassment is a vital part of enabling effective procedural and policy implementation that will help to prevent sexual harassment in the future.

### Overall incidence

The available evidence indicates that the incidence of sexual harassment in the workplace is significantly higher than figures currently reported by employers suggest, due to the high levels of underreporting. This sub-section focuses mainly on the sexual harassment of women by men in the workplace, which comprises the vast majority of current evidence.

Official figures on levels of reporting are lacking, largely perhaps due to not all organisations having a policy in place that would enable monitoring.<sup>146</sup> The Equal Opportunities 2002 review found that 77% of organisations overall had a policy on workplace sexual harassment, but this varied between 92% of public sector organisations and just 54% of private sector organisations.<sup>147</sup> Solving the problem of non-reporting may help to reduce the incidence of sexual harassment in the workplace

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<sup>146</sup> Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-673, p. 664.

<sup>147</sup> Equal Opportunities Review. (2002). *Sexual Harassment – an EOR survey*. As cited in Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-673, p. 664.

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overall, both by providing a full picture of its scale with a likely increase in the reporting of incidences and highlighting the causes of hidden sexual harassment in the workplace, thereby enabling effective policy implementation.

The wide range of different figures cited on the proportion of sexual harassment incidents in the workplace which are formally reported demonstrates the need for more robust insight into how commonly people report sexual harassment, and in turn more robust insight into the incidence of sexual harassment in the workplace overall. Although the exact figures given vary, they all make clear that the number of incidents of sexual harassment that are reported is far below the number of incidents of sexual harassment that actually take place. As the Women and Equalities Select Committee (WESC) Report notes, women who have experienced harassment often alter their own behaviour to avoid their harasser, rather than report the harassment, whilst the perpetrator's life remains unchanged.<sup>148</sup> This leaves a gap in our understanding of the picture of sexual harassment in the workplace.

The need for more robust data on levels of sexual harassment in the workplace and the proportion of these incidents that are reported to the employer directly is illustrated across a number of studies, which provide a wide range of estimates of levels of incidence and reporting:

- Trade Union Congress (TUC) Research conducted in 2016 based on a polling survey conducted by YouGov found that four in five women who had experienced workplace sexual harassment did not report it to their employer.<sup>149</sup>
- Research by the Industrial Society found that just 5% of victims of sexual harassment in the workplace make a formal complaint against the harasser to report the harassment they have experienced.<sup>150</sup>
- A survey conducted by Opinium found that 58% of female victims and 43% of male victims did not report the sexual harassment they had experienced in the workplace.<sup>151</sup>
- Research by the Young Women's Trust found that 8% of young women have experienced sexual harassment and reported it but double the number (15%) have experienced harassment and not reported it. Although not specifically focused on workplace sexual harassment, these figures are within the range of non-reporting for workplace specific sexual harassment suggests a broader cultural issue, not just one confined to professional settings.<sup>152</sup>

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<sup>148</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace, Fifth Report of Session, p. 8

<sup>149</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p. 18.

<sup>150</sup> Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-673, p. 658.

<sup>151</sup> Opinium Research. (2017). Workplace Culture – Sexual Harassment. Retrieved from <https://www.opinium.co.uk/one-in-five-women-have-been-sexually-harassed-in-the-workplace/>

<sup>152</sup> Young Women's Trust (2018). It's (Still) a Rich Man's World: Inequality 100 Years After Votes for Women. Young Women's Trust Annual Survey 2018, p. 4. Retrieved from: <https://www.equallyours.org.uk/young-womens-trust-annual-survey-2018-its-still-a-rich-mans-world/>

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It should be noted that the studies referenced above focus predominantly on harassment of women by men in the workplace. The figures vary slightly and are arguably more imprecise due to a more pronounced lack of data when exploring harassment of ethnic minorities and of those who identify as LGBT.

*Incidence of reporting amongst LGBT victims*

Research by the TUC found two-thirds of LGBT respondents surveyed with an experience of harassment had not reported the most recent incident of sexual harassment or sexual assault at work to their employer.<sup>153</sup> More specifically, 72% of gay men, 67% of lesbian/gay women and 62% of bisexuals did not report sexual harassment to their employer.<sup>154</sup>

The factors that determine whether sexual harassment in the workplace is reported by LGBT victims differ to the reasons given by heterosexual women who experience sexual harassment in the workplace. Reasons given by LGBT victims include concerns about revealing their sexual orientation or gender identity, embarrassment and concerns about being believed.<sup>155</sup> This would suggest that the proportion of non-reporting will also differ. Additionally, it is essential not to consider individuals who identify as LGBT as one single community, but rather to explore at a more granular level within each of those groups the factors that impact experiences of and reporting of sexual harassment in the workplace.

*Incidence of reporting by ethnicity*

There is very little literature on incidence of reporting of workplace sexual harassment that isolates ethnic minority victims, despite research suggesting ethnic minority women may be more likely to experience sexual harassment in the workplace due to their membership in marginalised groups and sexualised stereotypes.<sup>156</sup> Fielden et al. (2010) conducted qualitative research with seventeen ethnic minority women who had experienced workplace sexual harassment; they found over three quarters (n=13) of the women interviewed had not formally disclosed their experience to their employer.<sup>157</sup> More recent quantitative research conducted by Opinium (2017) found that 54% of respondents overall had not reported sexual harassment they had experienced in the workplace to their employer; whilst subgroup base sizes by ethnicity were too small to enable any robust conclusions to be drawn about different groups of respondents,<sup>158</sup> the differences between levels of non-reporting by ethnicity were suggestive of ethnicity impacting incidence of non-reporting.<sup>159</sup>

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<sup>153</sup> Trade Union Congress (2019). Sexual harassment of LGBT people in the workplace, p.6.

<sup>154</sup> Trade Union Congress (2019). Sexual harassment of LGBT people in the workplace, p.27.

<sup>155</sup> Trade Union Congress (2019). Sexual harassment of LGBT people in the workplace, p.27.

<sup>156</sup> Fielden, S. L., Davidson, M. J., Woolnough, H., & Hunt, C. (2010). A model of racialized sexual harassment of women in the UK workplace. *Sex roles*, 62(1-2), 20-34, p. 21.

<sup>157</sup> Fielden, S. L., Davidson, M. J., Woolnough, H., & Hunt, C. (2010). A model of racialized sexual harassment of women in the UK workplace. *Sex roles*, 62(1-2), 20-34, p. 29.

<sup>158</sup> Opinium also states that the low overall base size means these figures should only be seen as indicative

<sup>159</sup> Opinium Research. (2017). Workplace Culture – Sexual Harassment. Retrieved from <https://www.opinium.co.uk/one-in-five-women-have-been-sexually-harassed-in-the-workplace/>

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## Reasons for non-reporting

Existing research suggests that there are a number of reasons why the victims of sexual harassment do not report what has happened to them. These range from contextual and broader cultural factors, such as the type of organisation they work for and the gender balance within that organisation, whether the individual belongs to a union, and individual characteristics such as age, gender, seniority and sexual orientation. In this section we explore the existing evidence around these factors in more detail, as well as how the existing mechanisms for reporting are impacted by them.

### Contextual factors

#### *Uncertainty and expectations*

As explored at the beginning of this report (chapter 2), the definitions individuals use with regard to what constitutes sexual harassment are varied, in some cases subjective and informed by contextual factors. This creates a level of uncertainty, in which the victims of sexual harassment may doubt their experiences or be concerned that they are not 'serious enough' to report.

Fitzgerald et al. (2017) found that the majority of victims never report the sexual harassment they experience and keep it a secret even from others outside of the workplace.<sup>160</sup> The normalisation of sexual harassment, or the perception that it is normal in the sense that it might not be 'that bad', is believed to feed into victims' reticence to report their experiences. This cultural gaslighting in terms of the normalisation of sexual harassment in the workplace makes individuals powerless as they feel uncertain about beginning the process of reporting. Trade Union Congress (TUC) research quotes one respondent who felt sexual harassment is so commonplace that it feels 'hopeless trying to challenge it.'<sup>161</sup>

UK employment law specialist Slater Gordon carried out a survey in 2013 of 2,000 women and found that three-fifths of women had experienced workplace sexual harassment, and perhaps most alarmingly nearly half of those surveyed had been warned to *expect* this behaviour. This sense of expectation makes workplace sexual harassment seem permissible and therefore likely feeds into the low proportion of reporting amongst those experiencing harassment; the same study found that only a quarter of those who experienced this workplace sexual harassment felt able to report it to someone senior.<sup>162</sup>

This hopelessness may leave victims resigned to experiencing sexual harassment in the workplace; consequently, their expectations of what might happen if they report it are low, as it has been normalised and therefore is not felt to warrant a serious response. Some research suggests that this normalisation starts much earlier in life than the workplace for women:

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<sup>160</sup> Fitzgerald, L. F., & Cortina, L. M. (2017). Sexual harassment in work organizations: A view from the twenty-first century. *APA Handbook of the Psychology of Women*, p. 26.

<sup>161</sup> Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in*, 2016, p. 18.

<sup>162</sup> Slater Gordon. (2013). *Sexual Harassment Rife in the Workplace: New Study Reveals*. Retrieved from: <https://news.advogroup.co.uk/sexual-harassment-rife-in-the-workplace-new-study-reveals/>

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*“For many women, sexual harassment is something that happens to them many times in their lives, from catcalling in the street while they are walking home from school, to groping or indecent exposure on public transport, to unwelcome advances from colleagues or managers in the workplace. Many forms of sexual harassment have become so normalised that women are resigned to their experiences not being taken seriously, and so they do not report.”<sup>163</sup>*

Therefore, by the time they experience workplace sexual harassment they have become so used to experiencing similar behaviours elsewhere that they do not report these experiences.

It is important to note that the normalisation of sexual harassment extends outside of this and the cultural context in which it takes place is not isolated to that of one workplace. Indeed, the culture of the workplace will be informed by the cultural norms outside of the workplace, where sexual harassment is also normalised in some contexts and therefore likely to be left unreported.

#### *Fear of outcome and negative experiences*

As well as the challenges victims face when navigating the processes necessary for reporting sexual harassment to their employer, existing research suggests that fear of the outcome of reporting sexual harassment also discourages victims from reporting it. In some cases, this is based on negative experiences, or what victims have heard about the negative experiences of others. Research by the Young Women’s Trust found that 16% of young women knew of cases of sexual harassment that employers had not dealt with properly.<sup>164</sup>

TUC research also shows that one of the most common reasons for not reporting workplace sexual harassment was due to concerns about potential negative impacts on relationships at work, as well as concerns about embarrassment and not being believed<sup>165</sup> – a significant problem that comes up repeatedly in the area of Violence Against Women and Girls. Without mechanisms in place that reassure victims that their reports will be taken seriously and dealt with appropriately, individuals are left not knowing what might happen if they report the sexual harassment they are experiencing in the workplace.

Further to this, the WESC Report cites an Equality and Human Rights Commission (EHRC) survey which found that one in six employers had done nothing to ensure that victims who had made a complaint about workplace sexual harassment were not victimised.<sup>166</sup> Individual’s quotes in the WESC Report describe a lack of protection as whistle blowers, hostility from their employers and being dismissed or ignored.<sup>167</sup> In some cases, those who had reported incidents had been further victimised as a result of reporting. One quantitative study conducted by McDonald et al. (2008) found that the

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<sup>163</sup> Close the Gap (2018). Close the Gap submission to the UK Government Women and Equalities Committee inquiry on sexual harassment in the workplace.

<sup>164</sup> Young Women’s Trust (2018). It’s (Still) a Rich Man’s World: Inequality 100 Years After Votes for Women. Young Women’s Trust Annual Survey 2018. Retrieved from: <https://www.equallyours.org.uk/young-womens-trust-annual-survey-2018-its-still-a-rich-mans-world/>, p.4

<sup>165</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in, 2016, p. 21.

<sup>166</sup> Equality and Human Rights Commission. (2018). Turning the tables; ending sexual harassment at work, p. 12.

<sup>167</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace, Fifth Report of Session, P. 23-24

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*majority* of cases made against harassers did not lead to a positive outcome for victims: “In 172 cases, it was reported that a complaint had been made internally in the organisation. Of these, only 14 cases indicated a satisfactory outcome such as a warning being given, mediation or disciplinary action against the offender including suspension or relocation. In many remaining cases where the lodgement of an internal complaint was indicated, women reported being ignored, victimised or defamed as a result (e.g. ‘she told her employer who called her a slut’).”<sup>168</sup>

The WESC Report notes that individuals who have experienced sexual harassment may fear retaliation for reporting, as well as negative consequences for their career and relationships at work. In some cases, women may feel that the most rational response is to leave their job rather than complain, simply to make the sexual harassment stop.<sup>169</sup> McDonald et al. (2008) support this, finding that “some women who challenged the harassment through organisational channels reported being isolated, discredited, and subjected to open hostility, or receiving threatened or actual dismissal as a result of making a complaint.”<sup>170</sup> This is supported by research by Brassel et al. (2019), which found that fears of negative impacts on working life after lodging a complaint about sexual harassment in the workplace are often born out, including lowered job evaluations, being moved to a different location and being denied promotions.<sup>171</sup> Hart (2019) also supports this finding, noting that where workplace sexual harassment is normalised within a workplace, women are not penalised for experiencing sexual harassment, but are penalised when they report it.<sup>172</sup> This suggests that those who are concerned about the potentially negative outcomes of reporting workplace sexual harassment are right to be concerned.

#### *Change over time*

More than 15 years ago, Bergman et al. (2002) found that assertive responses to sexual harassment in the workplace in fact worsened the outcome for the victim who reported the harassment, both by worsening their job outcomes and in some cases triggering retaliation by the perpetrator.<sup>173</sup> It seems little has changed in the intervening period in this regard. More recently, the Fundamental Rights Agency’s gender-based violence survey (2012) asked over 17,000 women who had indicated having experienced at least one serious incident of sexual harassment what their response to this was (covering incidents experienced both in the workplace and in public spaces). They found that respondents were more likely not to report at all when experiencing fear, suggesting that avoidance may be the preferred coping mechanism when the victim is fearful of the outcome, or of the perpetrator themselves.<sup>174</sup>

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<sup>168</sup> McDonald, P., Backstrom, S., & Dear, K. (2008). Reporting sexual harassment: claims and remedies. *Asia Pacific Journal of Human Resources*, 46(2), 173-195, p. 182.

<sup>169</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace. Fifth Report of Session, pp. 25-26.

<sup>170</sup> McDonald, P., Backstrom, S., & Dear, K. (2008). Reporting sexual harassment: claims and remedies. *Asia Pacific Journal of Human Resources*, 46(2), 173-195, p. 188.

<sup>171</sup> Brassel, S. T., Settles, I. H., & Buchanan, N. T. (2019). Lay (mis) perceptions of sexual harassment toward transgender, lesbian, and gay employees. *Sex Roles*, 80(1-2), 76-90, p. 88.

<sup>172</sup> Hart, C. G. (2019). The Penalties for Self-Reporting Sexual Harassment. *Gender & Society*, 616-46, p. 46.

<sup>173</sup> Bergman, M. E., Langhout, R. D., Palmieri, P. A., Cortina, L. M., & Fitzgerald, L. F. (2002). The (un) reasonableness of reporting: Antecedents and consequences of reporting sexual harassment. *Journal of Applied Psychology*, 87(2), 230-242, p. 230.

<sup>174</sup> Fundamental Rights Agency (2012). Gender-based violence survey. Retrieved from <https://fra.europa.eu/en/data-and-maps/violence-against-women-survey/survey-information>



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Developing a better understanding of the specific concerns women have about the potential negative outcomes of reporting workplace sexual harassment, as well as gathering robust data on the outcomes for those who have reported it, is essential in order to enable the development of procedures and policies that *prevent* these consequences from being a possibility in the first place.

## **Workplace environment**

### *Procedural challenges*

Related to victims' uncertainty about whether what they have experienced is reportable is the uncertainty around how to report sexual harassment in the workplace. Research by the Young Women's Trust found that a third of young women surveyed simply do not know *how* to report sexual harassment at work.<sup>175</sup>

In some cases, this uncertainty is founded in that there may not be any policy in place within their workplace that enables them to report it. Without a clear strategy for reporting sexual harassment, victims who may already be unsure about whether what they have experienced is 'serious enough' to report are indirectly being told that this *is* the case, as it is not serious enough to necessitate a procedure or reporting mechanism. With no known procedure for reporting, the victim can end up in a position of non-reporting: "The decision of whether or not to report sexual harassment can be a complex one. Not all organisations have a clear sexual harassment policy or procedure for handling complaints, and even those that do may not be widely known to employees."<sup>176</sup> Additionally, a lack of publicity around policies and procedures in the workplace that do exist arguably adds further confusion and makes victims less likely to report experiences. Where policies do exist, existing research shows that victims either do not know about them or do not know how to access them.

The length of time taken to investigate reports of sexual harassment in the workplace is another barrier to reporting cited in existing research. McDonald et al. (2008) followed workplace sexual harassment cases from reporting through to conciliation in Australia; they found that some cases had still not reached resolution within six and sometimes 12 months of the complaint being made.<sup>177</sup> This lengthy process may be off-putting to victims.

As well as being lengthy, policies and procedures currently in place put a large amount of responsibility on the shoulders of the victim, who is required to report their experience and go through the lengthy process that follows in order to attain a potentially unsatisfactory outcome. The WESC Report notes that: "Victims may not want to re-live distressing events, may feel embarrassed, and may doubt what they have experienced was serious enough to report or happened at all."<sup>178</sup> The WESC Report explains that where an employer has policies in place, a victim may raise a grievance with their

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<sup>175</sup> Young Women's Trust (2018). It's (Still) a Rich Man's World: Inequality 100 Years After Votes for Women. Young Women's Trust Annual Survey 2018, p. 4. Retrieved from: <https://www.equallyours.org.uk/young-womens-trust-annual-survey-2018-its-still-a-rich-mans-world/> Young Women's Trust (2018). It's (Still) a Rich Man's World: Inequality 100 Years After Votes for Women. p. 4.

<sup>176</sup> Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-673, p. 664.

<sup>177</sup> McDonald, P., Backstrom, S., & Dear, K. (2008). Reporting sexual harassment: claims and remedies. *Asia Pacific Journal of Human Resources*, 46(2), 173-195, p. 188.

<sup>178</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace, Fifth Report of Session, p. 25.

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employer. They may also bring a claim for sexual harassment under the Equality Act *against* their employer and against the perpetrators themselves at employment tribunal. The complexity of these reporting options creates further barriers for victims. The WESC Report quotes Elizabeth Prochaska, Legal Director of the EHRC, who: “described this requirement on the individual to hold perpetrators and employers to account as a ‘crushing burden’. Reflecting on the #MeToo movement, she drew from it the lesson that really, we should not be expecting individual women to go through and endure a protracted legal process in order to get access to justice in order to remedy a terrible situation at work. What that movement is about is solidarity rather than individual action.”<sup>179</sup> This highlights the fact that existing reporting mechanisms can act as a significant barrier to women who have experienced sexual harassment in the workplace, by placing the onus on them to take action and go through a lengthy process to seek justice.

Further research conducted by the UK Army in 2018 found that servicewomen were three times more likely than servicemen to have someone senior to them in their command/line management take action on their behalf; in contrast, service men were more likely to ignore the behaviour, ask to be moved elsewhere or use mediation to deal with the behaviour.<sup>180</sup> This suggests that different individuals may require different types of interventions, depending on their demographic characteristics, in order to support them to report and take action against the perpetrator. Further research into the ways in which different groups report sexual harassment in the workplace is needed to understand how different types of interventions may be better suited to different individuals.

Pina and Gannon (2012) outline the importance of policy and procedure in the workplace to prevent sexual harassment in the workplace. They note that women are hesitant to label their experiences as sexual harassment where policies are not in place to prevent and report it, thereby contributing to elevated levels of non-reporting.<sup>181</sup> Furthermore, they note that these policies need to be strictly adhered to in order to be effective in both preventing sexual harassment from occurring in the workplace and enabling reporting when it does.<sup>182</sup>

Further research into the experiences of victims who have reported sexual harassment and a better understanding of the level of knowledge of how to report sexual harassment in the workplace is needed. The lack of existing data on how those who have successfully reported workplace sexual harassment in the workplace did so makes it challenging to understand what *does* work.

#### *Workplace culture*

The culture of the workplace that sexual harassment takes place in can be a significant barrier to reporting. Specifically, workplaces that are male-dominated and seen as

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<sup>179</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace. Fifth Report of Session, p. 13.

<sup>180</sup> Markson, H. and Harvey, J. (2018). Sexual Harassment Report 2018: Speak Out. Final report. British Army. Retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/736177/20180821\\_Sexual\\_harassment\\_report\\_2018\\_OS.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/736177/20180821_Sexual_harassment_report_2018_OS.PDF), p. 43.

<sup>181</sup> Riger, S. (1991). Gender dilemmas in sexual harassment policies and procedures. *American Psychologist*, 46, 497–505, p. 502.

<sup>182</sup> Pina, A., & Gannon, T.A., (2012). An Overview of the Literature on Antecedents, Perceptions, and Behavioural Consequences of Sexual Harassment. *Journal of Sexual Aggression*, 18 (2), 209-232, p. 218.

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'macho' can make it more difficult for victims to report the harassment they experience, as well as making it more difficult for them to know whether what they have experienced is reportable as sexual harassment may be more 'normalised' within these cultures.

For male victims of sexual harassment perpetrated by males, the stigma of being harassed by another male can make it more challenging to report their experience to their employer. EHRC research quotes one victim: "One individual, who described repeated experiences of sexual harassment, highlighted the male-dominated culture of his workplace and 'stigma' attached to being sexually harassed by another man as barriers to reporting, stating: 'My experience was in a very macho environment and reporting it was unimaginable to me.'"<sup>183</sup>

In some organisations there were reports of a culture of sexual harassment within the organisation, in which perpetrators were widely known and their actions accepted within the organisation, thereby making reporting the harassment even more challenging. Perhaps more alarmingly, there were cases in which the perpetrator's actions had previously been reported and action had not been taken. This was felt to be closely linked to the culture of the workplace, in which 'boys will be boys' was the common refrain.<sup>184</sup>

The EHRC found that feeling too intimidated to report sexual harassment to managers, or in some cases being advised *not* to report harassment, were both key barriers to reporting workplace sexual harassment. A lack of support from managers puts the responsibility for dealing with it on the victim, a further barrier to reporting:

*"Inexperienced, unsupportive managers were also seen as barriers to reporting harassment. In many cases, sexual harassment was viewed as a problem that the individual – rather than the employer – had to deal with. Some people were advised against reporting incidents by managers or HR. One respondent said: 'I was advised against reporting an incident as it would 'damage my brand.'"*<sup>185</sup>

Fielden et al. (2010) found that sexual harassment tended to be more prevalent in workplaces in which there were relatively large power differentials between the different levels of the company.<sup>186</sup> This renders those in more junior positions vulnerable to being harassed by those in senior positions, who are also the very individuals they would be required to report harassment to. Furthermore, research conducted for the Army found that only 3% of those that experienced sexual harassment had made a formal written complaint; the majority of these were Servicewomen, suggesting that men who had experience sexual harassment were not making formal complaints. The main reason for not making a complaint was due to feeling they could 'handle it' themselves, however, concerns about the consequences for their career or being labelled as a troublemaker were also common reasons for non-reporting.<sup>187</sup>

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<sup>183</sup> Equality and Human Rights Commission. (2018). Turning the tables; ending sexual harassment at work, p. 5.

<sup>184</sup> Equality and Human Rights Commission. (2018). Turning the tables; ending sexual harassment at work, p. 6.

<sup>185</sup> Equality and Human Rights Commission. (2018). Turning the tables; ending sexual harassment at work, p. 5.

<sup>186</sup> Fielden, S. L., Davidson, M. J., Woolnough, H., & Hunt, C. (2010). A model of racialized sexual harassment of women in the UK workplace. *Sex roles*, 62(1-2), 20-34, p. 21.

<sup>187</sup> UK ARMY (2018). Speak Out: Sexual Harassment Report 2018, p. 3.

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This research makes clear that in some cases workplace culture can leave victims in a position of going up against the organisation they work for, as well as going up against the perpetrator of the harassment. Bergman et al. (2002) found that improving the 'climate' within an organisation, by making sexual harassment less acceptable, means that organisations are more likely to take sexual harassment seriously and therefore encourages reporting amongst employees overall. This suggests that workplaces that ensure sexual harassment is seen as unacceptable are more likely to foster a culture of reporting if it does occur.<sup>188</sup>

### **Individual characteristics**

There are a range of individual-level or workplace characteristics that also play a role in non-reporting of sexual harassment.

#### *Age*

Existing research suggests younger individuals are more likely to experience sexual harassment in the workplace, however there is limited evidence examining the correlation between age and reporting of sexual harassment. As noted above, younger women are more likely to be victims of sexual harassment in the workplace, as well as being more likely to be in lower paid work on casual or short-term contracts that make this group more likely to experience workplace sexual harassment. In terms of reporting workplace sexual harassment, the TUC note that this group is less likely to be unionised and therefore do not have this extra resource to seek support from and may therefore less able to report the sexual harassment that they are more likely to experience.<sup>189</sup>

More insight into how the age of victims of sexual harassment impacts the likelihood of reporting is necessary, while research to understand how to enable these individuals to report it effectively is vital.

#### *Sexual orientation*

Evidence suggests that individuals who identify as LGBT are as likely, if not more likely, to experience sexual harassment in the workplace. However, the factors that influence decisions on whether to report sexual harassment are sometimes different to those of other individuals (predominantly for heterosexual women experiencing sexual harassment perpetrated by heterosexual males).

TUC research found that one quarter of LGBT victims of workplace sexual harassment did not report these incidents because it would reveal their sexual orientation or gender identity.<sup>190</sup> This suggests that LGBT individuals who do not want to reveal their sexual orientation or gender identity to their employers may be more vulnerable to feeling that they are trapped with no way out of the situation they are in. Additionally, observing the experiences of other LGBT individuals who had reported workplace sexual harassment and not been taken seriously was a barrier.

The perceived 'acceptability' of sexual harassment was felt to be a factor relevant to whether LGBT individuals report workplace sexual harassment. Brassel et al. (2019)

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<sup>188</sup> Bergman, M. E., Langhout, R. D., Palmieri, P. A., Cortina, L. M., & Fitzgerald, L. F. (2002). The (un)reasonableness of reporting: Antecedents and consequences of reporting sexual harassment. *Journal of Applied Psychology*, 87(2), 230-242, p. 238.

<sup>189</sup> Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in 2016*, p. 9.

<sup>190</sup> Trade Union Congress (2019). *Sexual harassment of LGBT people in the workplace*, p.27.

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used college students in the US to examine the influence that observer perceptions of LGBT sexual harassment had on organisational and individual responses. In doing so, they found that sexual harassment towards transgender individuals in the workplace was deemed less acceptable. They theorised that this harassment is viewed as based on 'power' as opposed to 'attraction', and therefore it is viewed as less acceptable. They also found that sexual harassment towards women was seen as less acceptable than sexual harassment towards men when it was viewed to be motivated by prejudice. Ultimately, the more 'acceptable' the harassment was seen to be, the less likely participants were to recommend that the victim report it. Although not explored directly in this research, it is suggestive of the influence this 'acceptability' has on bystander's likelihood of reporting on the victim's behalf. The theoretical complexity of harassment towards LGBT individuals further stresses the importance of gathering more robust data on the reasons for non-reporting.<sup>191</sup>

Understanding more about the experiences of LGBT individuals who *have* reported workplace sexual harassment would provide useful evidence of the differing needs for reporting LGBT victims may have. At present there is a lack of data on the drivers of non-reporting that are specific to LGBT victims of workplace sexual harassment.

#### *Ethnicity*

Some research shows that ethnicity and cultural background can be barriers to reporting sexual harassment. Qualitative research by Fielden et al. (2010) found evidence that reporting can become a community issue and, for some ethnic groups, reporting is avoided due to the consequences for themselves and their families within their ethnic community: "In some instances, participants in the study highlighted that reporting sexual harassment experienced in the workplace may bring about negative consequences for either themselves within their families, or their families within their ethnic communities: "Participants clearly outlined that disclosing sexual harassment would tarnish the family name and possibly result in isolation from the wider community. Also, participants revealed a fear of reprisal from male members of their family, mainly their father, brother(s) and husband."<sup>192</sup>

Further research into ethnic minorities' experiences of workplace sexual harassment and the barriers to reporting specific to these individuals is necessary, due to the limited research currently available on this group in terms of incidence of reporting and barriers to reporting.

## **Informal reporting**

It should be acknowledged that non-reporting does not necessarily mean victims are passive or accepting of the sexual harassment they are experiencing in the workplace. Research demonstrates that there is a spectrum of responses to sexual harassment in the workplace; this is indicative that reporting to an employer is one of many actions that may or may not be taken in response to sexual harassment. Fitzgerald et al. (2017)

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<sup>191</sup> Brassel, S. T., Settles, I. H., & Buchanan, N. T. (2019). Lay (mis) perceptions of sexual harassment toward transgender, lesbian, and gay employees. *Sex Roles*, 80(1-2), 76-90, p. 85.

<sup>192</sup> Fielden, S. L., Davidson, M. J., Woolnough, H., & Hunt, C. (2010). A model of racialized sexual harassment of women in the UK workplace. *Sex roles*, 62(1-2), 20-34, p. 28.

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argue that: “coping is not a single action or event but an ongoing process that unfolds over time and includes numerous different responses, depending on the options that are realistically available and what is at stake.”<sup>193</sup>

Evidence shows, for example, that the victims of sexual harassment may avoid reporting to their employer in the first instance. Victims may discuss their experience informally with friends and reach out for support through alternative channels before formally reporting incidents. As TUC research states: “while very few of the women polled had reported the behaviour to their employer, many had confided in other people. One in five confided in a friend or colleague in the workplace. Just under fifteen per cent confided in friends, family or a partner outside of work. Only three per cent reported the incident to HR.”<sup>194</sup> This suggests that victims may escalate sexual harassment reports to their employer only once alternative avenues of coping, such as reaching out to friends or family, have been exhausted. The culture of ‘just coping’ is something that will be explored further throughout this chapter, as one of the key factors that contribute to the high levels of non-reporting of sexual harassment in the workplace that existing research outlines.

Additionally, in some cases, an unsatisfactory response to reporting leaves women with no option but to seek support outside of the workplace, which arguably would then make them less likely to report any future incidents: “Unsatisfactory organisational responses such as delayed investigations, a devaluing of harm done, and justification of harassers’ behaviours as acceptable prompted many women to go outside their own work environments and report their experiences of sexual harassment to an external advocate.”<sup>195</sup>

## The impact of non-reporting

Though limited, research does exist examining the impact on non-reporting on both the individual and the organisation.

### Impact on the individual

The impacts of non-reporting are far reaching; non-reporting of workplace sexual harassment leaves the victims either to cope with it as best they can, or to leave their current role in order to escape it. Fitzgerald et al. (2018) note that: “responding to harassment was a process, not a single act; and that there are numerous ways in which victims attempt to manage their situation, of which formal reporting is typically the last resort.”<sup>196</sup>

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<sup>193</sup> Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B. Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), *APA handbooks in psychology series. APA handbook of the psychology of women: Perspectives on women's private and public lives* (pp. 215-234). Washington, DC, US: American Psychological Association, p. 26.

<sup>194</sup> Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in 2016*, p. 22.

<sup>195</sup> McDonald, P., Backstrom, S., & Dear, K. (2008). Reporting sexual harassment: claims and remedies. *Asia Pacific Journal of Human Resources*, 46(2), 173-195, p. 188.

<sup>196</sup> Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B. Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), *APA handbooks in psychology series. APA handbook of the psychology of women: Perspectives on women's private and public lives* (pp. 215-234). Washington, DC, US: American Psychological Association, p. 10.

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Fitzgerald et al. (2018) found that women who had been harassed had lower levels of psychological wellbeing, as well as symptoms of post-traumatic stress.<sup>197</sup> This demonstrates how high the stakes are when non-reporting means that workplace sexual harassment continues or is left unresolved. Additionally, when victims do report the harassment they have experienced, but have a negative experience of the reporting process, this can lead to further psychological harm. EHRG research found that the manner in which complaints were handled led to a significant negative impact on the physical and mental health of complainants in some instances.<sup>198</sup>

### **Impacts on the organisation**

As well as impacts on the victims of workplace sexual harassment when harassment was not reported, there are also potential impacts for the organisations they work for. As the WESC Report notes: "If allegations are not investigated or even spoken about, this can lead to repeat offending by the same perpetrator and reinforces a culture in which such behaviour is seen as normal or acceptable. In the worst cases, offending can be an open secret within an organisation or more widely, with perpetrators being seen as untouchable."<sup>199</sup> The perpetuation of a workplace culture of sexual harassment being 'normal' or 'acceptable' leaves organisations vulnerable to developing a more serious problem, which likely would have impacts on staff morale, psychological wellbeing and retention. This is supported by McLaughlin et al. who analysed survey data from a longitudinal Youth Development Study; they found that women who were targets of workplace sexual harassment were more likely to change jobs than other women.<sup>200</sup>

Additionally, there may be wider reaching negative impacts for the organisations within which the workplace sexual harassment takes place. There is potential for significant reputational damage when reports of workplace sexual harassment are handled inappropriately, or not handled at all. McDonald et al. emphasise this risk, noting that: "Inadequate organisational responses to allegations of sexual harassment increase the risk of complainants 'going public', voicing their disapproval outside the organisation or mounting legal cases, which may also be costly in terms of legal fees, settlement payments and damaged reputations."<sup>201</sup> Existing evidence therefore demonstrates that the impact of non-reporting ranges from the direct impacts on the individual through to the organisation.

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<sup>197</sup> Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B. Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), *APA handbooks in psychology series. APA handbook of the psychology of women: Perspectives on women's private and public lives* (215-234). Washington, DC, US: American Psychological Association, p. 13.

<sup>198</sup> Equality and Human Rights Commission. (2018). *Turning the tables; ending sexual harassment at work*, p. 6.

<sup>199</sup> Women and Equalities Committee (2018). *Sexual harassment in the workplace. Fifth Report of Session*, pp. 25-27.

<sup>200</sup> McLaughlin, H., Uggen, C., Blackstone, A. (2017). The Economic and Career Effects of Sexual Harassment on Working Women. *Gender and Society*, 31(3), 333-358, p. 340.

<sup>201</sup> McDonald, P., Backstrom, S., & Dear, K. (2008). Reporting sexual harassment: claims and remedies. *Asia Pacific Journal of Human Resources*, 46(2), 188-9, p. 189.

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# Chapter 5

## Theories of intervention



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## 5 Theories of intervention

In the wake of the #MeToo movement there has been a resurgence of suggestions for best practice guidelines and policies relating to sexual harassment in the workplace as well as in public spheres.<sup>202,203</sup> Within the workplace, a range of organisations including CARE Australia, UN Women, Our Watch, the UK Trade Union Congress (TUC), The Equalities Commission, the BBC and a range of academics have contributed towards recent policy suggestions and workplace protocols.<sup>204,205,206,207,208,209</sup> However, empirical evidence as to 'what works' to reduce sexual harassment in the workplace is scarce. Academics have developed a number of sexual harassment intervention theories and promising practices, but most employers have not taken up these suggestions or when they have, they have not been evaluated objectively. This means that the majority of the existing theories of intervention practices have not yet been trialled and tested; the result is lack of clear guidance as to which of the suggestions are effective at reducing and eliminating sexual harassment in the workplace.

This chapter will outline some of the leading theoretical and methodological frameworks for intervention in sexual harassment in the workplace which employers could use to frame their prevention and intervention efforts. It will cover: a general model of effective prevention programmes; the socio-ecological model; the primary, secondary and tertiary interventions; the Our Watch model for workplace intervention; the UN Women requirements and impactful strategies; and then bystander intervention theory.

### Framework 1: A general model of prevention

While it is unclear what specific prevention models work to reduce sexual harassment in the workplace, Nation et al (2003) presents a meta-analysis of prevention reviews on four key areas (substance abuse, risky sexual behaviours, school failure and juvenile delinquency and violence) which identified nine characteristics that were consistently associated with effective prevention programmes, shown in Figure 1 below.<sup>210</sup>

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<sup>202</sup> Women and Equalities Select Committee (2018). Sexual harassment of women and girls in public places: Sixth report of Session 2017-19, 1-69.

<sup>203</sup> A separate 2018 WESC Report addresses strategies for dealing with sexual harassment in public places, but public spheres will not be addressed in this literature review.

<sup>204</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace. Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p. 1-81

<sup>205</sup> UN Women (2018). Towards an end to sexual harassment: The urgency and nature of change in the era of the #MeToo. 1-44.

<sup>206</sup> Powell, A., Sandy, L., & Findling, J. (2015). Promising Practices in Workplace and Organisational Approaches for the Prevention of Violence Against Women. Report prepared for Our Watch. Melbourne, Australia: Our Watch, 1-48.

<sup>207</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in, 2016, 1-34.

<sup>208</sup> Equality and Human Rights Commission. (2018). Turning the tables; ending sexual harassment at work, 1-22

<sup>209</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>210</sup> Nation, M., Crusto, C., Wandersman, A., Kumpfer, K. L., Seybolt, D., Morrissey-Kane, E., & Davino, K. (2003). What works in prevention: Principles of effective prevention programs. *American psychologist*, 58(6-7), 449-456, p. 452.

**Figure 1. Characteristics of effective prevention programmes<sup>211</sup>**

Principle	Definition
Comprehensive	Multicomponent interventions that address critical domains (e.g., family, peers, community) that influence the development and perpetuation of the behaviors to be prevented
Varied teaching methods	Programs involve diverse teaching methods that focus on increasing awareness and understanding of the problem behaviors and on acquiring or enhancing skills
Sufficient dosage	Programs provide enough intervention to produce the desired effects and provide follow-up as necessary to maintain effects
Theory driven	Programs have a theoretical justification, are based on accurate information, and are supported by empirical research
Positive relationships	Programs provide exposure to adults and peers in a way that promotes strong relationships and supports positive outcomes
Appropriately timed	Programs are initiated early enough to have an impact on the development of the problem behavior and are sensitive to the developmental needs of participants
Socioculturally relevant	Programs are tailored to the community and cultural norms of the participants and make efforts to include the target group in program planning and implementation
Outcome evaluation	Programs have clear goals and objectives and make an effort to systematically document their results relative to the goals
Well-trained staff	Program staff support the program and are provided with training regarding the implementation of the intervention

According to this work, effective prevention programmes should be: comprehensive; use varied teaching methods; ensure that there is a sufficient dosage of training, including follow up sessions; be theory driven; promote positive relationships; be timed appropriately; be sociocultural relevant and in this instance relevant to the culture of the organisation using examples that are specific to that organisation or sector; evaluate outcomes from the prevention programmes; and use well trained staff or experts to deliver the programmes and assist with implementations.

While these characteristics have not been robustly tested for reducing sexual harassment in the workplace, in the absence of subject specific best practice they provide a good framework for organisations to consider and use as a framework for attempts to address sexual harassment in the workplace.

## Framework 2: Socio-ecological model

Taking lessons learned from approaches to prevent violence against women, the 2018 CARE Australia report ‘What Works? Preventing & Responding to Sexual Harassment in the Workplace’ espouses approaches to reducing sexual harassment must sit within the socio-ecological model.<sup>212</sup> In accordance with widely adopted public health theory, organisations such as the World Health Organisation (2002) and academics such as Michau et al. (2015) have extended Bronfenbrenner’s (1994) original socio-ecological model to demonstrate how violence against women (including sexual harassment) is experienced individually and interpersonally, in the context of community and societal attitudes, practices and structures.<sup>213,214</sup>

<sup>211</sup> Nation, M., Crusto, C., Wandersman, A., Kumpfer, K. L., Seybolt, D., Morrissey-Kane, E., & Davino, K. (2003). What works in prevention: Principles of effective prevention programs. *American psychologist*, 58(6-7), 449-456, p. 449.

<sup>212</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace. Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p. 9.

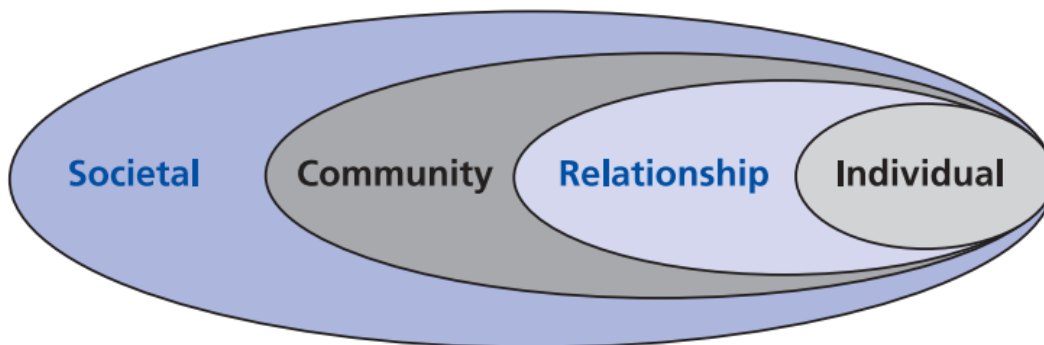
<sup>213</sup> Krug, E.G., Dahlberg, L.L., Mercy, J.A., Zwi, A.B., & Lozano, R. eds. (2002). *The world report on violence and health*. Geneva, World Health Organization. *The Lancet*, 360, 1083-1088, p. 1084.

<sup>214</sup> Michau, L., Horn, J., Bank, A., Dutt, M., & Zimmerman, C. (2015). Prevention of violence against women and girls: lessons from practice. *The Lancet*, 385(9978), 1672-1684, p.1676.

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Figure 2 below shows an example of how the World Health Organisation (2002) adopted the Bronfenbrenner model to demonstrate how the causes of violence against women are situated at multiple, interrelated levels of the social ecology.<sup>215</sup>

**Figure 2. Ecological model for understanding violence from the WHO 2002 report<sup>216</sup>**



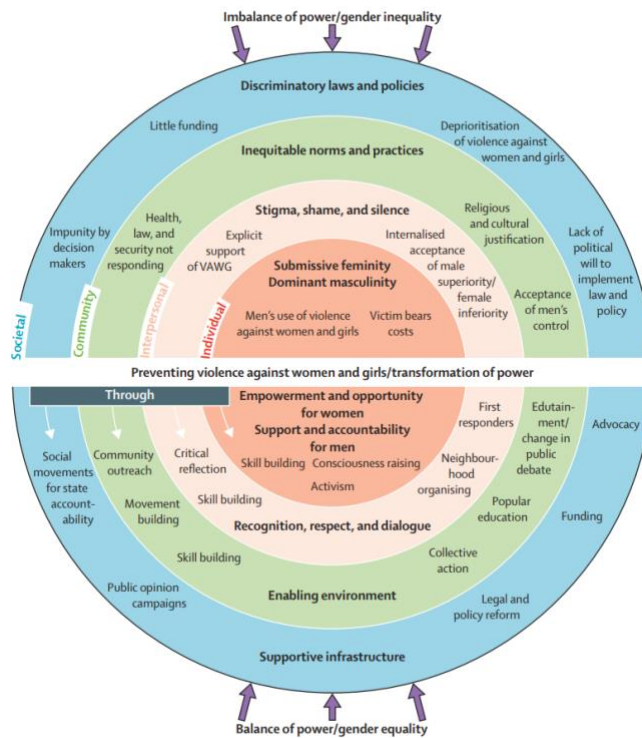
In a more complex model (Figure 3), Michau et al. (2014) demonstrate how interventions are most likely to be successful when they combine multiple strategies and target more than one level of the community or organisation.

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<sup>215</sup> Krug, E.G., Dahlberg, L.L., Mercy, J.A., Zwi, A.B., & Lozano, R. eds. (2002). World report on violence and health. Geneva, Switzerland: World Health Organization. p. 12.

<sup>216</sup> Krug, E.G., Dahlberg, L.L., Mercy, J.A., Zwi, A.B., & Lozano, R. eds. (2002). World report on violence and health. Geneva, Switzerland: World Health Organization., p. 12.

Figure 3. Transformation of power across the ecological model from Michau et al. (2014)<sup>217</sup>



In the CARE report, Campbell and Chinnery (2018) argue that these ecological understandings of sexual violence should underpin understanding of sexual harassment in the workplace and be the starting point for developing interventions that operate across all levels of the model.<sup>218</sup> Adopting this model places the individual and their attitudes and beliefs about gender roles at the core. It recognises that these attitudes can drive gender inequality and social norms which are conducive towards workplace sexual harassment. It also recognises that changes made at an organisational level can play a tangible role in transforming the experience of women and reducing gender inequality beyond the workplace.

### Framework 3: Primary, secondary and tertiary interventions

In their 2010 literature review of sexual harassment in the workplace, Hunt et al. (2010) set out a framework of primary, secondary and tertiary interventions that is commonly used as a prevention framework in public health and applied it to understanding how different employer interventions might help to tackle sexual harassment in the workplace.<sup>219</sup>

<sup>217</sup> Michau, L., Horn, J., Bank, A., Dutt, M., & Zimmerman, C. (2015). Prevention of violence against women and girls: lessons from practice. *The Lancet*, 385(9978), 1672-1684. p. 1676.

<sup>218</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace. Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p. 9.

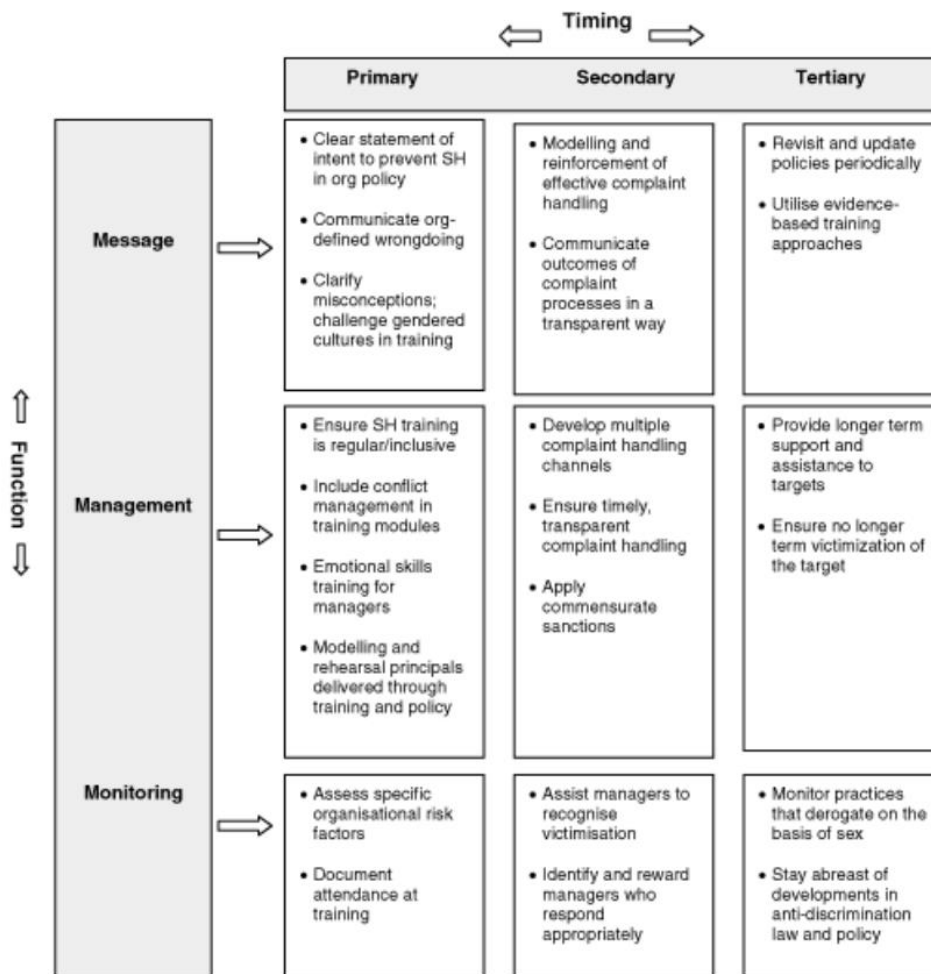
<sup>219</sup> Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-673.

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Primary interventions include preventative measures which aim to address the 'root cause' of the issues. They typically try to change the antecedents that lead to sexual harassment and include interventions such as awareness campaigns and training for staff. Primary interventions are key to changing the organisational culture and norms which are conducive to sexual harassment. In contrast, secondary interventions are utilised in the stage when an organisation responds to an incident of sexual harassment, while tertiary interventions are rehabilitative procedures for the victims and the perpetrators once sexual harassment has occurred, such as counselling.

Utilising the public health violence prevention framework, McDonald et al. (2015) crossed the timing typologies by a second set of typologies around the actual functions or tasks that the business carries out to intervene at each point of time. As shown in Figure 4 below, McDonald et al. outline three key functions of the organisation: messages, management and monitoring. Messages refers to the way that sexual harassment is defined legally and behaviourally and how it is communicated within the workplace. Management refers to the actions of those in the organisation with the authority to prevent or intervene in sexual harassment. Monitoring refers to the organisational tasks designed to identify risk factors for sexual harassment, assessing professional standards and social norms across the workplace.

Figure 4. Model for sexual harassment prevention by McDonald et al. (2015)<sup>220</sup>



It is thought that this model for sexual harassment prevention has the most overlap with the aforementioned socio-ecological model.<sup>221</sup> Yet a review of the literature reveals that proposed theories and action that has been taken has tended to focus on primary and secondary interventions and have largely ignored tertiary interventions.

## Framework 4: The Our Watch model for workplace intervention

While the other models mention the importance of improving gender equality as part of primary prevention, the Our Watch model (2018) centres around business functions which tackle gender inequality and are more inclined to be simultaneously addressing issues outside of the workplace. Although the Our Watch model was originally developed to tackle sexual violence in the workplace, the common thread of tackling

<sup>220</sup> McDonald, P., Charlesworth, S., & Graham, T. (2015). Developing a framework of effective prevention and response strategies in workplace sexual harassment. *Asia Pacific Journal of Human Resources*, 53(1) (41-58), p. 53.

<sup>221</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace. Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p.35.

gender inequality is thought to remedy the antecedents for both sexual violence and sexual harassment. Consequently, Campbell and Chinnery (2018) advocate that this model provides a promising approach for reducing sexual harassment in the workplace as well.

As shown in Figure 5 below, Our Watch (2018) proposed using interventions which require whole of organisational approaches with five closely overlapping organisational standards that aim to redress gender inequality within the business.

1. Secure the *commitment* of leaders and staff
2. Ensure *conditions* support gender equality
3. Reject sexist and discriminatory *culture*
4. *Support* staff and stakeholders who experience violence
5. Integrate gender equality into you *core business*

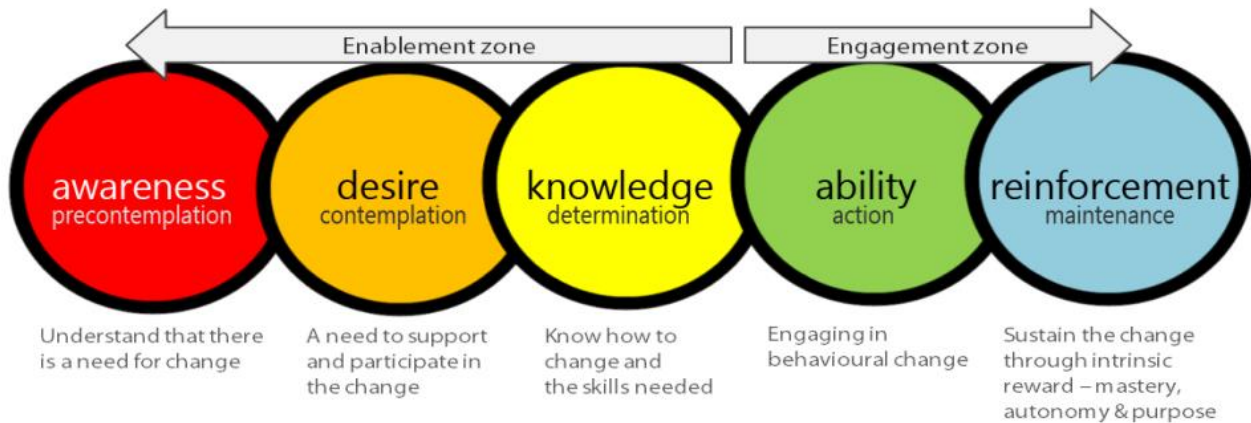
Figure 5. Our Watch (2018) workplace and equality standards<sup>222</sup>



Our Watch has crafted these standards into a format that employers can easily pick-up and adopt. To achieve these standards, Our Watch recommends considering how

<sup>222</sup> Brislane, J., Hunt, M., Kinnersly, P., Holmes, S., Dowd, T., Harte, N., Smith, K., Keel, M., Leung, L & Kearney, S. (2018). Workplace Equality and Respect Standards. Our Watch. Retrieved from: [https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2019/10/29045029/OurWatch\\_WER\\_Standards\\_2019-April-\\_final.pdf](https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2019/10/29045029/OurWatch_WER_Standards_2019-April-_final.pdf), p. 25.

leadership, norms and practices and business strategy or policy can be changed to achieve each of the five standards. Our Watch suggests that these three areas are key for an organisation to focus on as they seek to remedy gender inequality within their organisation, shown in Figure 6 below.



**Figure 6. Our Watch key areas for action<sup>223</sup>**

Further Campbell and Chinnery (2018) suggest that the Our Watch five standards for businesses is more advanced than other models previously discussed as they incorporate the aspects of primary, secondary and tertiary interventions as a subset within the standards.

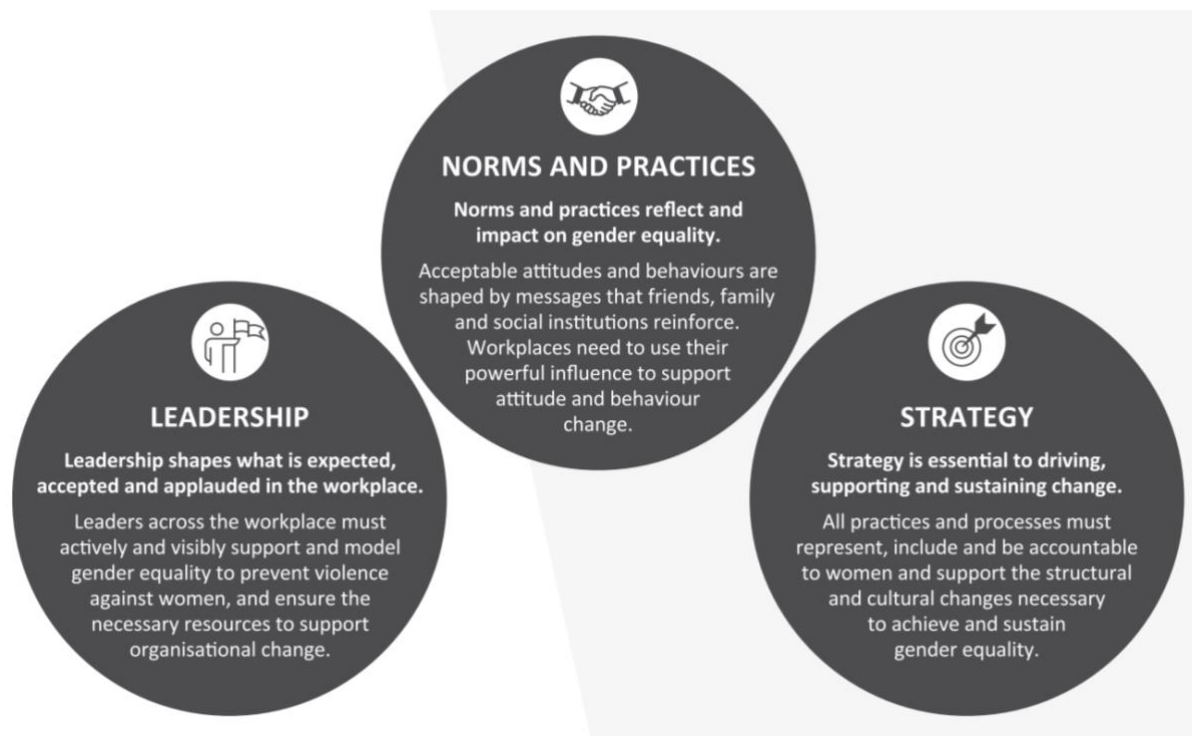
## Framework 5: Organisational climate

Before the Our Watch framework, Powell et al. (2015) suggested that workplace prevention strategies should first consider the workplace climate before attempting to address cultural change. As shown in Figure 7, there are three different stages when organisations are prepared for change, and different interventions should be used accordingly.

<sup>223</sup> Brislane, J., Hunt, M., Kinnersly, P., Holmes, S., Dowd, T., Harte, N., Smith, K., Keel, M., Leung, L & Kearney, S. (2018). Workplace Equality and Respect Standards. Our Watch. Retrieved from: [https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2019/10/29045029/OurWatch\\_WER\\_Standards\\_2019-April\\_final.pdf](https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2019/10/29045029/OurWatch_WER_Standards_2019-April_final.pdf), p. 26.



Figure 7. Organisational stages of change<sup>224</sup>



Powell et al. argue it is important to develop tailored approaches which start addressing gender inequality at a level the specific organisation is comfortable with.

## Framework 6: UN Women requirements and impactful strategies

In November 2018, the United Nations released their report 'Towards an end to sexual harassment: The urgency and nature of change in the era of #MeToo'.<sup>225</sup> Within the context of international commitments and standards against violence discrimination against women and human rights, the report provides guidance on policy and practice on sexual harassment. The report addresses sexual harassment in public and private spaces; however most recommendations can be taken up within the workplace, and some are workplace specific, and should be considered when attempting to remedy sexual harassment in the workplace.

The UN sets out ten requirements which are needed as the starting platform from which to effectively 'build a new normal' and address sexual harassment from.<sup>226</sup> It is evident

<sup>224</sup> Powell, A., Sandy, L., & Findling, J. (2015). Promising Practices in Workplace and Organisational Approaches for the Prevention of Violence Against Women. Report prepared for Our Watch. Melbourne, Australia: Our Watch. Retrieved from: <https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2019/02/15002502/Promising-Practices-Workplace-Organisational-Approaches-PVAW.pdf>, p.18.

<sup>225</sup> UN Women (2018). Towards an end to sexual harassment: The urgency and nature of change in the era of the #MeToo, p. 1-44.

<sup>226</sup> UN Women (2018). Towards an end to sexual harassment: The urgency and nature of change in the era of the #MeToo. p. 3.

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that several of these requirements reflect aspects of the theories and models for intervention as discussed above. The ten requirements are replicated below:

1. Understanding sexual harassment as a matter of *sex and gender inequalities of power* that intersect with other dimensions of inequality including race and ethnicity, age, disability and sexual orientation; it is a violation of human rights.
2. Recognition that sexual harassment *has much in common with other sexual abuse*, whether it happens in conflict, the home, the street or elsewhere
3. Placing the concept of *unwelcomeness* at the core and acknowledging that the victim is the source of this determination.
4. The crafting of a *culture of intolerance* of sexual harassment, with *unequivocal leadership* that repeatedly and proudly speaks as well as acts against abuse and for victims.
5. Prompt, appropriate, and publicly disseminated *sanctions against perpetrators*, regardless of their status or seniority.
6. Recognise that those who report sexual harassment in fact *help authorities* (college, work, transport etc.) to deliver their obligations on equality and safety; refuse to pre-judge them as untrustworthy or malicious.
7. Enact policy and practices, including training and campaigns, that understand the *cultural construction of inequalities* and the need for *persistent and repeated efforts* to undo and reshape these.
8. Implement *multiple and publicized avenues* for reporting, so that victims have options from which to select what works best for them.
9. Provide *support for bystander engagement* in incidents, including but not only the enabling of immediate safety.
10. Acknowledging that *sexual harassment runs the range* from looks to rape, recognize the harm and trauma it can bring and structure all interventions to support healing and change. *A victim focus* requires setting out their rights.

During her presentation at the seminar hosted by GEO in July 2019 as part of its Women and Gender Equality Research Programme (WAGE) on gender norms and sexual harassment in the workplace, Dr Helen Mott pulled six key strategies for making change to sexual harassment from the UN report.<sup>227,228</sup> While these strategies overlap with other previously discussed models, Mott argued they illustrate best practice in reducing sexual harassment and have had some positive impact in the plight to reduce sexual harassment. These strategies suggest that employers and policy makers:

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<sup>227</sup> Government Equalities Office (2019 July, 19). Seminar 4: Gender Norms and Sexual Harassment in the Workplace. Seminar hosted by the Government Equalities Office Workplace and Gender Equality (WAGE) Research Programme

<sup>228</sup> Mott, H. (2019, July 19). What inhibits employers' efforts to understand and address sexual harassment? Presented the Government Equalities Seminar 4: Gender Norms and Sexual Harassment in the Workplace. [Powerpoint]

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- Create a *culture* in which women are treated as *equals* and there is *respect* between colleagues.
  - Commit to and display unequivocal and courageous *leadership*.
  - Encourage and support *bystander interventions* - to defuse a situation, remove the target from the context or address the harasser.
  - Have *training* that is in person, interactive and tailored for the given workplace. It should last several hours and regularly be repeated. Ingrained cultural norms about power and sexual norms cannot be undone in a short/one-hour, one-off, online session;<sup>229</sup>
  - Promote (more) *women and minorities*. Workplaces with higher numbers of women in management appear to have lower reports of sexual harassment. Such staff profiles will also disrupt the distribution of power along gender lines. Ensuring that those who generally experience discrimination and are denied power are instead in positions of authority within the organization can change the ways in which power and authority are exercised. This includes at least indigenous and LGBT people, racial minorities, young and old staff and those with disabilities.
  - *Encourage reporting* – make available many routes for reporting and people to whom to make reports. It is more likely that victims will find someone with whom they are comfortable speaking if multiple routes are open to them. Make it possible for victims to record their harasser's name, times and dates of abuse, and turn this into a formal report if another note is made against the same person (information escrows).

It is important to note that any strategies taken to address sexual harassment should be done in consultation with experts, developed with strong theoretical underpinnings and piloted to test for potential backlash effects. In their literature review, Fenton et al. (2016) note when addressing gender norms and sexual violence some prevention efforts, despite their intentions, can be harmful and have the opposite effect to that desired. Fenton et al. (2016) cite research which demonstrates that trying to persuade people to change their attitudes can lead people to taking more extreme versions of their attitudes. For example, a 1999 study with male undergraduate students found that the students were more likely to engage in rape supportive behaviours after listening to the account of a female rape victim.<sup>230</sup> Secondly, research in 2011 revealed that if advertising campaigns and training sessions presented information about descriptive norms (such as the high rate of campus sexual assault) this can lead to an increased perception that these actions are normative. Instead the researchers suggest that attempts to change cultural norms would be more effective if they presented information about injunctive norms,

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<sup>229</sup> Note that in her presentation Dr Mott echoed the message of Fenton et al. (2016); that training must be developed in consultation with experts who are familiar with sexual harassment in order to avoid unintended negative impacts. Further, this point this training point reflects the key characteristics related to training as set out by Nation et al. (2003).

<sup>230</sup> Berg, D. R., Lonsway, K. A., & Fitzgerald, L. F. (1999). Rape prevention education for men: The effectiveness of empathy-induction techniques. *Journal of College Student Development*. As cited in Fenton et al. (2016), p. 27.

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which demonstrate the strength of social disapproval towards sexual assault.<sup>231</sup> Evidently attempts to shift cultural norms, raise awareness or train staff must be thoroughly tested before they are launched.

## Framework 7: Bystander intervention

Sitting within these wider models of tackling sexual harassment in the workplace, is the promising approach of bystander intervention programmes.<sup>232,233</sup> Bystanders are persons who witness an event, such as sexual harassment in their workplace, but are not directly involved as either the perpetrator or the victim. As discussed in Chapter 4, bystanders can either ignore the incident (or fail to see it) and be passive bystanders, or they can be active bystanders who elect to intervene.<sup>234</sup>

In their seminal work on bystander theory, Latane and Darley (1970) suggested that a pro-social bystander must go through the following gates to enable action:

1. Notice the event;
2. Interpret it as a problem;
3. Feel responsible to deal with it; then
4. Possess the necessary skills to act.<sup>235</sup>

Bystander approaches to sexual harassment endorse the view that it is the shared community responsibility to take action; it is the responsibility of perpetrators to not use violence, rather than a victim's responsibility avoid it.<sup>236</sup> Strategies where bystanders (often colleagues) are encouraged to intervene in instances of sexual harassment not only reflect a community responsibility for responding to and preventing sexual violence, but are also thought to relieve some of the reporting burden from the victim and would reflect a culture of zero-tolerance to sexual harassment.<sup>237</sup>

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<sup>231</sup> Paul, L. A., & Gray, M. J. (2011). Sexual assault programming on college campuses: Using social psychological belief and behavior change principles to improve outcomes. *Trauma, Violence, & Abuse*, 12(2), 99-109. As cited in Fenton et al. (2016), p. 27.

<sup>232</sup> McDonald, P., Charlesworth, S., & Graham, T. (2016). Action or inaction: Bystander intervention in workplace sexual harassment. *The International Journal of Human Resource Management*, 27(5), 548-566.

<sup>233</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace. Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p. 14.

<sup>234</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace. Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p. 23.

<sup>235</sup> As cited in Fenton, R. A., Mott, H. L., McCartan, K., & Rumney, P. (2016). A review of evidence for bystander intervention to prevent sexual and domestic violence in universities. Public Health England. Retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/515634/Evidence\\_review\\_by\\_stander\\_intervention\\_to\\_prevent\\_sexual\\_and\\_domestic\\_violence\\_in\\_universities\\_11April2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/515634/Evidence_review_by_stander_intervention_to_prevent_sexual_and_domestic_violence_in_universities_11April2016.pdf), p.17

<sup>236</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace. Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p. 14, 23.

<sup>237</sup> McDonald, P., Charlesworth, S., & Graham, T. (2016). Action or inaction: Bystander intervention in workplace sexual harassment. *The International Journal of Human Resource Management*, 27(5), 548-566 p. 556,566.

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As with other theories of sexual harassment intervention, bystander interventions have largely been neglected by rigorous evaluation or research and the work is largely limited to be focussed within university and education settings and typically within the US. However, in their rapid review of bystander intervention literature, Fenton et al. (2016) state that the growing research base on bystander interventions indicate that such interventions are particularly effective at addressing primary prevention of sexual violence in the university setting, and especially so when such interventions meet the nine characteristics of effective prevention programmes outlined by Nation et al. (2003).<sup>238</sup> In the United States, bystander interventions have been used effectively on college campuses, in the military and non-profits.<sup>239</sup> For example, in a study of close to 1,000 college students pre-tests, post-tests and 12-month follow up tests revealed that the four and half hour bystander training sessions coupled with media campaigns did result in attitude shifts towards sexual violence and the roles that individuals were willing to play in ending violence.<sup>240</sup>

Although bystander interventions in sexual harassment are complex, McMahon and Banyard (2015) have adapted the primary, secondary and tertiary intervention model of violence prevention, as used by Hunt et al. (2010) and McDonald et al. (2015), to demonstrate how there are opportunities for bystanders to intervene with regards to sexual violence at each level, as shown in Figure 8 below.<sup>241</sup>

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<sup>238</sup> Fenton, R. A., Mott, H. L., McCartan, K., & Rumney, P. (2016). A review of evidence for bystander intervention to prevent sexual and domestic violence in universities. Public Health England. Retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/515634/Evidence\\_review\\_by\\_stander\\_intervention\\_to\\_prevent\\_sexual\\_and\\_domestic\\_violence\\_in\\_universities\\_11April2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/515634/Evidence_review_by_stander_intervention_to_prevent_sexual_and_domestic_violence_in_universities_11April2016.pdf), p.5.

<sup>239</sup> Miller, C. (2017, December 3). Sexual Harassment Training Doesn't Work. But Some Things Do. The New York Times. Retrieved from: <https://www.nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html>

<sup>240</sup> Cares, A. C., Banyard, V. L., Moynihan, M. M., Williams, L. M., Potter, S. J., & Stapleton, J. G. (2015). Changing attitudes about being a bystander to violence: Translating an in-person sexual violence prevention program to a new campus. *Violence Against Women*, 21(2), 165-187. p. 173-174.

<sup>241</sup> McMahon, S., & Banyard, V. (2012). When Can I help? A Conceptual Framework for the Prevention of Sexual Violence Through Bystander Intervention, *Trauma, Violence & Abuse*, 13(1), 3-14, p. 8.

**Figure 8. Bystander opportunities for the prevention of sexual violence<sup>242</sup>**

Reactive Bystander Opportunities	Primary Prevention (before the assault)		Secondary Prevention (during the assault)	Tertiary Prevention (after the assault)
	Low risk	High risk		
	<ul style="list-style-type: none"> <li>• Friends make a sexist joke or use sexist language to describe women and girls</li> <li>• Activities or rituals are held where women's bodies are ranked or rated</li> <li>• Pornographic or sexualizing posters of women and girls are displayed</li> <li>• Friends make rape or abuse jokes</li> <li>• Friends or classmates blame a victim of sexual violence in conversation or class</li> </ul>	<ul style="list-style-type: none"> <li>• A friend is bringing an intoxicated woman to his room</li> <li>• A friend says he plans to intoxicate a woman to have sex</li> <li>• A woman is being harassed by a group of men</li> <li>• A woman who is passed out on a couch is being approached or touched by a man</li> </ul>	<ul style="list-style-type: none"> <li>• Witnessing a group rape</li> <li>• Hearing cries for help or distress</li> <li>• Walking in on a situation where an individual appears to be either physically forced or verbally coerced into sex</li> <li>• Directly observing an intoxicated victim being sexually assaulted by a perpetrator</li> </ul>	<ul style="list-style-type: none"> <li>• A friend or classmate discloses that she is a survivor</li> <li>• A friend is seeking information for herself or another person on where to go for help for an assault</li> <li>• There is suspicion that a friend or classmate is a perpetrator</li> <li>• Authorities or residence life are looking for information on a possible sexual assault</li> <li>• A police or judicial investigation needs corroboration</li> </ul>
Proactive Bystander Opportunities	<ul style="list-style-type: none"> <li>• Taking a course on gender based violence</li> <li>• Joining a peer education group</li> <li>• Participating in Take Back the Night</li> <li>• Volunteering at a local sexual assault organization</li> <li>• Arranging an educational program on sexual assault for a dorm or student organization</li> <li>• Changing student organizational policies to address sexual assault</li> </ul>			

Alternatively, McDonald et al. (2015) suggest four categories of bystander intervention based on the immediacy of the situation (high or low) and the level of involvement from the bystander (high or low):<sup>243</sup>

- High immediacy interventions occur during an ongoing incident or focus on interrupting the event.
  - Low involvement: actions the bystander takes that involve private, but not public support such as redirection of the perpetrator, interruption of the sexual harassment without judgement
  - High involvement: public and social actions taken by the bystander such as challenging the perpetrator to stop, naming the conduct or encouraging the victim to report or act and taking a visible role in the remedial process.
- Low immediacy interventions occur at a later time and can include attempts to prevent future harassment.
  - Low involvement: again the bystander provides private but not public support without public connection to the incident. For example, this might include covert

<sup>242</sup> McMahan, S., & Banyard, V. (2012). When Can I help? A Conceptual Framework for the Prevention of Sexual Violence Through Bystander Intervention, *Trauma, Violence & Abuse*, 13(1), 3-14, p. 8.

<sup>243</sup> McDonald, P., Charlesworth S., & Graham, T. (2016). Action or inaction: bystander intervention in workplace sexual harassment. *The International Journal of Human Resource Management*, 27(5), 548-566, p. 562.

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efforts to separate the victim and the perpetrator, giving private advice and providing social support behind the scenes.

- High involvement: strong social involvement in a public or social scene such as reporting on the target's behalf, confronting the perpetrator after the incident or offering the accompany the target when they report.

Powell et al. (2015) and McDonald et al. (2016) recognise that there are strong barriers against intervening for bystanders. They argue that if bystanders are to act in a workplace setting, organisations need to assure safety and protection to the bystanders. These protections should be explicitly defined and mandated throughout the organisation by being incorporated in policies and employee handbooks. There also needs to be more assertive involvement from senior members of staff who are less likely to face reprisals for their actions and who have greater authority to shift workplace norms. Further active bystander training is fundamental for successful intervention.

Lee, Hanson and Cheung (2019) use Latane and Darley's (1970) requirements for a prosocial bystander to underpin their bystander training on sexual harassment.<sup>244</sup> They suggest sexual harassment training should:

- *Remove barriers to bystander intervention behaviours* – by teaching trainees how to be more vigilant in noticing what is occurring around them, encouraging a sense of responsibility to intervene and practising intervention until they are comfortable doing so, and removing negative social pressure by assuring trainees their intervention will not be viewed negatively by others.
- *Break sexual harassment myths* – Breaking the attitudes and beliefs that are generally false but are widely and persistently held and suggesting evidence to discredit these myths. An example is the myth that most people will blame the victim for incidents of sexual harassment.
- *Promote empathy* – Promoting empathy is expected to increase the sense of responsibility among trainees to intervene. By encouraging trainees to take another person's perspective this is also expected to encourage trainees to think in terms of 'us' rather than 'them' and may reduce stereotypes around victims.
- *Cost and benefit analysis* – While the above three elements to the training may increase the likelihood of an individual intervening, the level to which a trainee is prepared to get involved depends on the net cost of behaviours. It is presumed that a high level of involvement is beneficial as it helps to construct a meaning to the incident and models exemplary behaviour to other observers. Consequently, training should focus on increasing the perceived benefits and reducing the perceived costs of intervening.

Bystanders are unlikely to be present when the most egregious offences happen, but perpetrators often test how far they can go, starting with inappropriate comments or

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<sup>244</sup> Lee, S. Y., Hanson, M. D., & Cheung, H. K. (2019). Incorporating bystander intervention into sexual harassment training. *Industrial and Organizational Psychology*, 12(1), 52-57.

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touches and bystander intervention at this stage can help to prevent the sexual harassment escalating. Robert Eckstein from the Prevention Innovations Research Centre recognises that a good workplace culture stops such advances before it gets worse. Eckstein argues that “bystander intervention is not about putting on your cape and saving the day, it’s about having a conversation with a friend about the way they talk about women.”<sup>245</sup>

## Final thoughts on theories of intervention

While there are nuances between the models for framing prevention, there is consensus between the models that attempts to only address sexual harassment in the workplace must take a whole of organisation approach.<sup>246</sup> Further, addressing the antecedent of gender inequality in the workplace seems to be a common thread among theories and models promoted as appropriate for tackling sexual harassment in the workplace. Although the different theories show great promise, we lack the empirical evidence to know which model or models are the most effective and should be promoted as best practice policy for reducing sexual harassment in the workplace. It is therefore critical that employers not only start using these models, but, as suggested by Nation et al (2003), they also monitor the success of their prevention programmes in a non-bias manner. It is imperative that efforts to address sexual harassment are objectively reviewed so the evidence base for ‘what works’ to eliminate sexual harassment in the workplace can grow.

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<sup>245</sup> Miller, C. (2017, December 3). Sexual Harassment Training Doesn’t Work. But Some Things Do. The New York Times. Retrieved from <https://www.nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html>

<sup>246</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace, Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p.40.



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## Chapter 6

# Sexual harassment policy and intervention in the UK

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## 6 Sexual harassment policies and intervention in the UK

There is a ground swell of support to make changes towards addressing sexual harassment in the workplace, but there is a lack of empirical evidence to guide the Government, employers, regulators and other bodies such as trade unions on how best to tackle sexual harassment in the workplace. Using this as an excuse for inaction and permitting the status quo of indifference can no longer be an option. Sexual harassment is prolific, and organisations should be encouraged to take any action that aims to prevent and to address sexual harassment in the workplace.

In the UK, current discussion about how to address sexual harassment in the workplace is summarised in the 2018 House of Commons Women and Equalities Committee (WESC) Report on sexual harassment in the workplace and the Government's response to the Report recommendations.<sup>247, 248</sup> Although it is evident that each of the WESC recommendations was formed on the basis of existing sexual harassment literature, expert advice and government policy, the recommendations are not exhaustive. As a result, this chapter will provide a high-level summary of the key action points of the WESC Report and the Government response to it before highlighting some of the gaps in the WESC Report along with alternative theories, steps and interventions suggested in wider sexual harassment literature that the UK Government and organisations might want to consider.

The full WESC Report on sexual harassment in the workplaces and the Government's complete response to the committees' Report are available online at [publications.parliament.uk](https://publications.parliament.uk).<sup>249</sup>

### The WESC Report on sexual harassment in the workplace

Published in July 2018, the WESC Report synthesises an array of sexual harassment literature and information received from experts at oral evidence procedures in the House of Commons and provides an up-to-date evidence base for the Government to base changes to policy on. The WESC Report centres around five key action points for the Government; to put sexual harassment at the top of the agenda; require regulators to take a more active role; make enforcement processes work better for employees; clean up the use of Non-Disclosure Agreements (NDAs) and collect robust data about sexual harassment in the workplace. Within these five key actions points are 30 more

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<sup>247</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace, Fifth Report of Session, p.1-61.

<sup>248</sup> Government Equalities Office, Department for Business & Energy and Industrial strategy. (2018, December 18). Press Release: Government announces new code of practice to tackle sexual harassment at work. Retrieved from: <https://www.gov.uk/government/news/government-announces-new-code-of-practice-to-tackle-sexual-harassment-at-work>

<sup>249</sup> The WESC Report: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1801/1801.pdf>  
The Government's response: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1801/1801.pdf>

specific recommendations that WESC believes the Government, employers and other organisations can start to take now. An outline of the key recommendations can be seen in Figure 9 below.

**Figure 9. Summary of WESC's 5-point action plan**

<b>Summary of the WESC 5-point action plan</b>	
<b>Action 1. Put sexual harassment at the top of the agenda</b>	
<p>Introduce a new duty on employers to prevent harassment, supported by a statutory code of practice outlining the steps they can take to do this; and</p> <p>Ensure interns, volunteers and those harassed by third parties have access to the same legal protections and remedies as their workplace</p>	
<b>Action 2. Require regulators to take a more active role</b>	
<p>Set out the actions they will take to help tackle this problem, including the enforcement action they will take; and</p> <p>Make it clear to those they regulate that sexual harassment is a breach of professional standards and a reportable offence with sanctions.</p>	
<b>Action 3. Make enforcement processes work better for employees</b>	
<p>Set out in the statutory code of practice what employers should do to tackle sexual harassment; and</p> <p>Reduce barriers to taking forward tribunal cases, including by extending the time limit for submitting a claim, introducing punitive damages for employers and reducing cost risks for employees.</p>	
<b>Action 4. Clean up the use of non-disclosure agreements (NDAs)</b>	
<p>Require the use of standard, plain English confidentiality clauses, which set out the meaning, limit and effect of the clause, and making it an offence to misuse such clauses; and</p> <p>Extend whistleblowing protections so that disclosures to the police and regulators such as the Equality and Human Rights Commission are protected.</p>	
<b>Action 5. Collect robust data</b>	
<p>Collect data on the extent of sexual harassment in the workplace and on the number of employment tribunal claims involving complaints of harassment of a sexual nature</p>	

## **Government response to the WESC Report**

In response to the WESC Report, the Government announced a package of 12 measures in December 2018, and published a full report responding to each of the

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recommendations made by WESC.<sup>250</sup> As shown below, the 12 measures are split between immediately actionable measures and items the Government plans to consult on.

**Figure 10. Summary of the Government response to the WESC Report**

**The Government's 12 measures of response**

The Government confirmed its commitment to:

Introduce a new statutory code of practice on sexual harassment, which will be developed by the Equality and Human Rights Commission under its Equality Act 2006 powers (1) (3)

Run awareness raising work with Advisory Conciliation and Arbitration Service (Acas), Equality and Human Rights Committee (EHRC) and employers

Gather data on the prevalence and nature of workplace sexual harassment at least every three years

Amend whistleblowing law to ensure that the list of organisations who can receive 'whistleblowing' information includes the right bodies (e.g. adding EHRC to the list of prescribed persons)

Ensure the public sector takes action to tackle and prevent sexual harassment

Work with regulators for whom sexual harassment is particularly relevant to ensure they are taking appropriate action

Consider whether further learnings can be taken from the criminal justice system to use in the employment tribunal system, to ensure vulnerable claimants have appropriate protection

The Government also agreed to consult on:

How to better regulate non-disclosure agreements

The evidence base for introducing a new legal duty on employers to prevent sexual harassment in the workplace

Strengthening and clarifying the laws on third party harassment in the workplace

Whether further legal protections are required for interns and volunteers

The evidence for extending employment tribunal time limits for Equality Act 2010 cases

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<sup>250</sup> Government Equalities Office, Department for Business & Energy and Industrial strategy. (2018, December 18). Press Release: Government announces new code of practice to tackle sexual harassment at work. Retrieved from: <https://www.gov.uk/government/news/government-announces-new-code-of-practice-to-tackle-sexual-harassment-at-work>

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## **Extending the WESC Report recommendations**

While it is evident in the WESC Report that a wide range of sexual harassment literature and policy was evaluated and experts consulted, the report does not consider theories of intervention (such as those outlined in Chapter 5) or employer best practice methods for preventing sexual harassment in the workplace.

Academic literature, information from human resource and employment law experts and other organisational reports suggests a range of employer-based interventions that might help change expectations about sexual harassment behaviour. As employers are developing better sexual harassment policies and procedures and the Government is developing the Code of Practice to guide employers, alternative commentary on best interventions, such as those below should be kept at the fore.

Further, a report by the Trade Union Congress (TUC) also suggests that the Report has not fully considered the role of alternative groups such as trade unions in addressing sexual harassment in the workplace.

### **Adopting a theory for intervention**

As discussed in Chapter 5, it is important that approaches to address sexual harassment sit within a theoretical framework and that the promising practices identified in these intervention theories are trialled and robustly evaluated. Yet the WESC Report does not stress the need to develop interventions within a theoretical framework; perhaps because at this stage it is unclear which theoretical framework works best for reducing and preventing sexual harassment in the workplace.

In lieu of empirically tested sexual harassment prevention efforts, employers should at least seek to incorporate the proven characteristics for effective prevention programmes as outlined in Nation et al (2003) and adopt elements that the various models have in common; such as taking an socio-ecological or whole organisation approach to the issue; considering changes which can be made at the primary, secondary and tertiary levels of intervention- including the need to address the antecedent of gender inequality in the organisation as well incorporate staff training on bystander interventions. Some of the specific suggestions that the literature encourages employers to change include: addressing the gender-power imbalance in their organisation; training their staff; ensuring that leaders are promoting the right social norms; and adopting clear policies on sexual harassment and making sure they are widely publicised.

### **Employer-based best practice methods**

Although robust evidence on employer-based best practice to reduce workplace sexual harassment is scarce, common themes across sexual harassment literature suggest a

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range of interventions that appear to be effective in addressing sexual harassment. These common themes should be considered by employers who want to start tackling the issue within their workplace and by policy advisors who might prepare guidance for employers. Such themes include: addressing the gender-power imbalance in the workplace; training for leaders and staff members; gender positive behaviour from leadership; having clear workplace sexual harassment policies and implementing alternative procedures for reporting incidents of sexual harassment in the workplace.

#### *Address the gender-power imbalance*

As discussed in Chapter 3, sexual harassment is more prolific in working environments that are male dominated and where there are increased power differentials between men and women.<sup>251</sup> In contrast, research has consistently proven that sexual harassment is less prevalent in organisations with more women in management.<sup>252</sup> In their submission to WESC, Close the Gap stated that “any work to tackle sexual harassment must be undertaken as part of a wider strategy to tackle gender inequality and must include primary prevention interventions to end sexual harassment.”<sup>253</sup> As expressed through the theoretical interventions outlined in Chapter 5, it is imperative that attempts to address sexual harassment are framed within the continuum of violence against women and actions form part of a wider plan to tackle gender inequality in all its forms.

Gender-positive recruitment and workplace policies which encourage an equal power balance between men and women across roles should be endorsed through organisational approaches and policies. Supporting this, Harvard sociology professors Frank Dobbin and Alexandra Kalev argue that promoting more women is the key to ending sexual harassment (and reducing gender inequality in other ways).<sup>254</sup>

#### *Training*

Across the literature it is evident that work-based training on sexual harassment is needed. As flagged by Powell, Sandy and Findling (2015), the recommended content, delivery method and style of training needs vary between organisations, however it is evident across the literature that staff training should be encouraged.<sup>255</sup>

Any training should adhere to the nine characteristics set out by Nation. (2003); it should be comprehensive, of sufficient length and duration, based on theory, administered by an expert, encourage positive relationships, delivered at a suitable time, relevant to the socio-cultural and organisational culture, evaluated for effectiveness.<sup>256</sup> (See Chapter 5 for more detail). Specifically, diversity training research

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<sup>251</sup> Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-674, p.658.

<sup>252</sup> Dobbin, F and Kalev, A. (2017, November 15). Training and reporting systems won't end sexual harassment. Promoting more women will. *Harvard Business Review*. Retrieved from <https://hbr.org/2017/11/training-programs-and-reporting-systems-wont-end-sexual-harassment-promoting-more-women-will>

<sup>253</sup> Close the Gap. (2018). Written submission from Close the Gap (SHW0040), para. 1.2.

<sup>254</sup> Dobbin, F and Kalev, A. (2017, November 15). Training and reporting systems won't end sexual harassment. Promoting more women will. *Harvard Business Review*. Retrieved <https://hbr.org/2017/11/training-programs-and-reporting-systems-wont-end-sexual-harassment-promoting-more-women-will>

<sup>255</sup> Powell, A., Sandy, L., & Findling, J. (2015). Promising Practices in Workplace and Organisational Approaches for the Prevention of Violence Against Women. Report prepared for Our Watch. Melbourne, Australia: Our Watch, p. 18.

<sup>256</sup> Nation, M., Crusto, C., Wandersman, A., Kumpfer, K. L., Seybolt, D., Morrissey-Kane, E., & Davino, K. (2003). What works in prevention: Principles of effective prevention programs. *American psychologist*, 58(6-7), 449-456, p. 452.

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shows that effective training is at least four hours, in person, interactive and tailored for the specific workplace.<sup>257,258</sup> Empirical research also found that it is best if the training is done by an external expert or someone with direct oversight over the employee such as a supervisor but not someone from HR.<sup>259</sup>

Given the widespread ignorance among senior leaders as to the prevalence and impact of sexual harassment, the TUC assert that Human Resources and all levels of management should receive training on sexual harassment.<sup>260</sup> The TUC claims that such training should cover: what constitutes sexual harassment, stalking and online harassment, relevant law and workplace policies, and methods for responding appropriately to complaints. They note that in some workplaces, training for all staff may be necessary. As part of their recommendations, the TUC call the Government to recognise and facilitate time from work so that union representatives can be trained. They espouse that trained reps are well placed to deal with issues such as sexual harassment and with adequate training they could support for members in the workplace.<sup>261</sup>

Hunt et al. (2010) provide a similar list as to what should be covered and encourage training and designing of company policy to take a bottom-up approach which focusses on debunking established beliefs, behaviours and norms.<sup>262</sup> Such an approach is thought to be effective in establishing commitment at all levels of the organisation. They note the importance of ensuring that this information is shared beyond a one-off training session. New employees should be informed during their induction and the information should be clearly stated in the company's sexual harassment policy.

The US Equal Opportunity Commission (EEOC) institute launched a training program to encourage respect in places of work for all employees, as an outgrowth from their report into harassment in the workplace.<sup>263</sup> It supports civility and bystander intervention training over training that solely focuses on legal definitions and standards for liability.<sup>264</sup> While traditional sexual harassment training teaches people what not to do, EEOC claim that it is often silent on what to do (and misses the opportunity to adopt the positive relationship characteristic present by Nation et al (2003)).<sup>265</sup> Civility and bystander intervention training aims to fill this gap by providing employees with the specific skills they need to act respectfully and to intervene when they observe disrespectful or

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<sup>257</sup> Kalinoski, Z. T., Steele-Johnson, D., Peyton, E. J., Leas, K. A., Steinke, J., & Bowling, N. A. (2013). A meta-analytic evaluation of diversity training outcomes. *Journal of Organizational Behavior*, 34(8), 1076-1104, p. 1092,

<sup>258</sup> Potter, S. J., Edwards, K. M., Banyard, V. L., Stapleton, J. G., Demers, J. M., & Moynihan, M. M. (2016). Conveying campus sexual misconduct policy information to college and university students: Results from a 7-campus study. *Journal of American college health*, 64(6) 438-447. p. 445-446

<sup>259</sup> Miller, C. (2017, December 3). Sexual Harassment Training Doesn't Work. But Some Things Do. *The New York Times*. Retrieved from <https://www.nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html>

<sup>260</sup> Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in, 2016*, p.29.

<sup>261</sup> Trade Union Congress. (2016). Still just a bit of banter. *Sexual Harassment in the workplace in, 2016*, p.28.

<sup>262</sup> Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-673, p. 662.

<sup>263</sup> EEOC. (2016, June). Report of the Co-Chairs of the EEOC's Select Task Force on the Study of Harassment in the Workplace. Retrieved from: [https://www.eeoc.gov/eeoc/task\\_force/harassment/report.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm)

<sup>264</sup> EEOC. (2017, October 4). EEOC launched new training programme on respectful workplaces. Retrieved from: <https://www.eeoc.gov/eeoc/newsroom/release/10-4-17.cfm>.

<sup>265</sup> Nation, M., Crusto, C., Wandersman, A., Kumpfer, K. L., Seybolt, D., Morrissey-Kane, E., & Davino, K. (2003). What works in prevention: Principles of effective prevention programs. *American psychologist*, 58(6-7), 449-456, p. 452.

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abusive behaviour. The training designed for the EEOC encourages trainees to consider respectful workplace behaviours and provides people with scripts on how to give and receive constructive feedback about rude behaviour. It also teaches supervisors how to listen to sexual harassment complaints without being dismissive.

As already discussed in Chapter 5, the evidence base in support of bystander intervention training is growing. It seems that employers who want to adopt best practice training should be exploring options of bystander intervention training.

#### *Leadership behaviour*

Although it is not strictly an intervention, there is consensus across the literature that for many of the specific interventions to be effective, an organisation must have leaders who visibly support gender equality and the elimination of sexual harassment in the workplace.<sup>266</sup>

Medeiros and Griffith (2019) explain that leaders directly through their own behaviour and indirectly by setting the company culture influence subordinate behaviour.<sup>267</sup> As highlighted in the Our Watch workplace and equality standards, leadership shapes what is expected, accepted and applauded in the workplace.<sup>268</sup> While many companies have a policy of zero tolerance towards most forms of discrimination, the company culture does not always reflect this. Leaders must be seen to not only pay lip service to gender equality and the prevention of violence against women, but they must also ensure that the organisation is resourced to make the changes needed to eliminate sexual harassment and inequalities. For example, leaders must provide resources for staff training, ensure that company policies are up-to-date, disseminated and adhered to – including punishment of perpetrators irrespective of their seniority, and strive to eliminate gender inequality through means such as gender-positive recruitment and work policies like flexible working.<sup>269</sup>

#### *Employer policies on sexual harassment*

The Government's commitment to encouraging employers to adopt and enforce better sexual harassment policies demonstrates that they, and WESC understand the importance of employers adopting clear sexual harassment policies. While a clear evidence base for the gold standard of workplace sexual harassment policies is not yet available, existing literature indicates that workplace sexual harassment policies should be distinct from other employer policies and communicated widely to all employees.

In as early as 1989, Rubenstein confirmed that it was best for workplace sexual harassment policies to be separate and distinct from other harassment clauses.<sup>270</sup> It is important to ensure that policies set out a separate procedure for dealing with

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<sup>266</sup> Medeiros, K., & Griffith, J. (2019). # Ustoo: How IO psychologists can extend the conversation on sexual harassment and sexual assault through workplace training. *Industrial and Organizational Psychology*, 12(1), 1-19, p.13

<sup>267</sup> Medeiros, K., & Griffith, J. (2019). # Ustoo: How IO psychologists can extend the conversation on sexual harassment and sexual assault through workplace training. *Industrial and Organizational Psychology*, 12(1), 1-19, p. 13.

<sup>268</sup> Powell, A., Sandy, L., & Findling, J. (2015). *Promising Practices in Workplace and Organisational Approaches for the Prevention of Violence Against Women*. Melbourne, Australia: Our Watch, p. 18.

<sup>269</sup> Close the Gap (2019, October). Submission to the UK Government Women and Equalities Committee inquiry on sexual harassment in the workplace. Retrieved from: <https://www.closesthegap.org.uk/content/resources/Response-to-UK-Govt-consultation-on-sexual-harassment-.pdf>

<sup>270</sup> This was acknowledged in the WESC Report.



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complaints of sexual harassment rather than going through the normal grievance procedure. This is because typical grievance procedures tend to utilise the first-line manager in the remedial process, and research indicates that they may not be the most appropriate person to confide in for incidents of sexual harassment. (As perpetrators are often in superior positions like management roles and men are more likely to be in senior roles, and therefore managerial roles to women). Rubenstein also states that a clear statement outlining the new policy should be communicated to all staff and other researchers indicate that this could be done via mass communication (i.e. email), through training and incorporated into employee handbooks.

In their 2016 report, the Trade Union Congress reinforced this view that clearer policies are needed and should be widely disseminated. The TUC expand on this by emphasising the importance of the policy to make specific provision to ensure employees are protected from experiencing adverse outcomes after reporting workplace sexual harassment.<sup>271</sup> As noted in Chapter 5, clearly outlining in company policy the guarantee of protection from adverse outcomes when reporting incidents sexual harassment is critical to encouraging bystanders to intervene. Organisational responsibility to encourage reporting is covered in more detail under Action Point 2.

#### *Alternative reporting procedures*

As discussed in Chapter 4, incidents of sexual harassment in the workplace are underreported and the mechanisms for reporting an experience of sexual harassment in the workplace can discourage victims from coming forward. While the WESC Report covers in great detail how the Government can reduce the burden of reporting on the individual wider research suggests alternative methods which should be considered if employers are to see to increase reports of sexual harassment in the workplace.

The EEOC suggest a counterintuitive idea to encourage reporting where managers are rewarded if reports of sexual harassment increase, at least initially.<sup>272, 273</sup> EEOC explain that an increase in reports indicates employees have faith in the system. They also suggest appointing many persons in the organisation with the responsibility of receiving reports of harassment. This is expected to increase the likelihood of the victim feeling comfortable with at least one person they can report to.

Information escrows might also encourage more victims to come forward and report their experience of sexual harassment. Yale law and management professor Ian Ayres, and Cait Unkovic, developed the concept of information escrows and explains that an information escrow would allow a victim to place a private complaint into escrow with instructions that the complaint be lodged with the proper authorities only if the escrow agent receives at least one additional allegation against the same individual.<sup>274</sup> This procedure eliminates the fear a victim might have about being the only victim or not having, what they perceive to be, a strong enough case to come forward on their own.

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<sup>271</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p.29.

<sup>272</sup> EEOC. (2017, October 4). EEOC launched new training programme on respectful workplaces. Retrieved from: <https://www.eeoc.gov/eeoc/newsroom/release/10-4-17.cfm>.

<sup>273</sup> Miller, C. (2017, December 3). Sexual Harassment Training Doesn't Work. But Some Things Do. The New York Times. Retrieved from: <https://www.nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html>

<sup>274</sup> Ayres, I., & Unkovic, C. (2012). Information Escrows. Michigan Law Review, issue 111, 145-196, p. 145.

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Using this method would help to reduce hesitation from victims who don't want to be the first to report.

A number of well-established commercial platforms have now been developed from this work; such mechanisms should be considered by employers if they are trying to eliminate barriers to reporting incidences within their workplace.

### **The role of trade unions**

As stated in the 2016 TUC Report on Sexual Harassment in the Workplace, "sexual harassment has long been on the trade union campaigning agenda and cases involving sexual harassment may feature prominently in the casework of many individual union reps", yet the WESC Report neglects to comment on the potential role of Trade Unions in eliminating sexual harassment in the workplace.<sup>275</sup> Unions are well placed to receive reports on sexual harassment from an employee and it seems that the Government may have inadvertently overlooked their usefulness in improving rates of reporting.

The TUC Report provides three distinct recommendations for trade unions which it states should be considered and encouraged by Government as they seek to take a holistic approach to eliminating sexual harassment:

1. Trade unions should engage in workplace campaigns and awareness raising.
2. Trade unions should be negotiating workplace policies that cover sexual harassment and that these policies should be publicised to members. As noted earlier, employers have generally overlooked the need for specific sexual policies and while the Government has not committed to mandating employers include an action plan in their policies. It is thought that trade unions are well placed to ensure that, even without legal enforcement, sexual harassment is thoroughly considered in company policies.
3. Dealing with sexual harassment remains a core part of union representative training. Some unions offer specific training on sexual harassment, which are open to all union representatives. These training courses can cover a multitude of issues related to sexual harassment such as: legislation covering sexual harassment, sexual harassment surveys, policies and procedures for dealing with harassment, challenging harassment in the workplace and so on.

### **UK examples where employers have tackled sexual harassment**

During their review of sexual harassment literature, Hunt et al. (2010) used UK companies to illustrate how different measures can be implemented by employers to help prevent sexual harassment from occurring in their workplace.<sup>276</sup> However, it is important to note that the examples address sexual harassment within the wider context of general harassment and discrimination, and that there is an absence of empirical evidence examining these strategies.

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<sup>275</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p. 30.

<sup>276</sup> Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-673, p.666-667.

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The NHS in Scotland was commended for responding to reports of bullying and harassment within its workplace by producing the ‘Dignity at work: eliminating bullying and harassment in the workplace’ document. This document offers guidelines which organisations can use and best practice principles when dealing harassment more broadly but does explicitly define a list of behaviours which constitute sexual harassment.<sup>277</sup> The guidelines echo the measures mentioned in the preceding paragraphs. They highlight the need for: an open and trusting culture, clearly defined policies which are developed using a ‘bottom-up approach’ or through consultation with staff, visible support and commitment from senior members of staff, effective training for all employees and a contact person for victims. In addition, the guide provides employers with a checklist that they can use when developing their own harassment policies and procedures.

In May 2002, London Underground was awarded the ‘Opportunity Now Public Sector’ award for its Ending Harassment Programme.<sup>278</sup> The organisational culture was perceived to tolerate harassment and victims had issues reporting their experience to managers and senior staff due to their lack of skills to deal with the complaint. Again, a bottom-up approach was employed where a series of think tanks which involved a mixed groups and union representatives focussed on issues of harassment and brainstorming how best to tackle these issues. These conversations birthed the Ending Harassment Programme. The programme resulted in the release of a workplace harassment policy which was issued to all members of staff, independent support for victims through trained advisors, signposting trained and equipped managers within the workplace who could be approached and training for human resources teams. These approaches resulted in an increase in reporting of harassment cases, the number of employees seeking help and the number of perpetrators disciplined.

## **Reflection on current approaches and policy**

Despite the shallow evidence base, it is widely advocated that the best approach to eliminating sexual harassment is a joined up one. An approach where the Government, employers and regulators all play their part. Approaches to addressing sexual harassment in the workplace should be considered through a socio-ecological lens and the antecedent of gender inequality and gender norms should be considered as pivotal in making this change. The Government needs to lead the way, but employers also need to take sexual harassment seriously and address the wider factors in their organisation that permit such behaviour.

As outlined by WESC there are sensible steps that the Government, employers and other organisations can start to take now. Such actions include: developing a statutory Code of Practice to encourage employers to enact a range of preventative measures; ensuring that legal recourse is accessible to victims with a variety of relationships to the employer; that Tribunal processes and legislation, including NDA law, is accessible and clear in the protections it affords victims of sexual harassment; regulators taking a

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<sup>277</sup> NHS Scotland. (c2000). Dignity at work: Eliminating bullying and harassment in the workplace. Retrieved from <https://www.sehd.scot.nhs.uk/documents/dignity.pdf>

<sup>278</sup> EW Group. (2019). London Underground: Case Study. Retrieved from: [https://theewgroup.com/case\\_studies/london-underground/](https://theewgroup.com/case_studies/london-underground/)

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stronger stance and disciplinary action against employers and members of the legal profession who do not uphold their duties to protect victims and potential victims; and that robust data on sexual harassment is collected to demonstrate prevalence of sexual harassment as well as the effectiveness of policy and employer interventions.

There are some areas that were not covered thoroughly in the WESC Report. For example, the recommendations did not explore theories of intervention or best practice methods for preventing sexual harassment in the workplace which might be useful to help guide employers as they go about trying to ensure that they play their part in eliminating workplace sexual harassment. Further the Report did not consider how trade unions might be able to assist in reducing sexual harassment in the workplace. The impact of different policy interventions is generally considered when thinking of women as the key victims of sexual harassment. As a result, they largely fail to consider what might work best for other 'non-majority' victims, such as men or LGBT individuals.

Any action taken should be robustly evaluated so that we might establish a record of empirically proven examples of best practice for preventing and addressing sexual harassment in different workplaces across the UK.

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# Chapter 7

## Conclusions

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## 7 Conclusions

This report has provided an overview of the existing literature, evidence and policy in relation to sexual harassment in the workplace in the UK.

### Summary of key findings

#### Definition and typologies

The definition of sexual harassment is a crucial starting point in developing a standardised measurement of sexual harassment. In the UK, sexual harassment is legally defined by the Equality Act 2010.<sup>279</sup> By this definition, sexual harassment is “unwanted conduct of a sexual nature, or unwanted conduct of a sexual nature,” that has the purpose or effect of “violating a person’s dignity” or “creating an intimidating, hostile, degrading, humiliating or offensive environment.” It is also harassment to treat someone differently for rejection of, or submission to, this conduct. However, Fitzgerald and Cortina (2017) highlight that the focus on whether incidents meet the requirements for legal charges has been detrimental to effective action on sexual harassment.<sup>280</sup> Behavioural science and the academic literature primarily focus on sexual harassment as a pattern of experience rather than a legal finding, as incidence measured by the number of legal cases is known to underestimate the true scale of the problem.<sup>281</sup> This would suggest that our understanding of sexual harassment and how to measure its incidence should go beyond legal definitions.

A review of recent literature and sexual harassment surveys suggest there are numerous ways in which types of sexual harassment can be categorised (typologies). The two most dominant in the literature include:

- SEQ framework, the first behavioural conceptualisation of sexual harassment, identifying three broad categories of sexual harassment:
  1. Gender harassment – sex-based harassment that does not aim to elicit sexual cooperation but involves unwanted physical, verbal or other harassment in the basis of sex, further split into sexist hostility and gender policing;
  2. Unwanted sexual attention – unwanted sexual advances of a verbal, non-verbal or physical nature, ranging from comments to sexual assault and rape; and
  3. Sexual coercion – a combination of unwanted sexual attention with pressures used to force sexual acquiescence.

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<sup>279</sup> Equality Act 2010, Section 26. Retrieved from <https://www.legislation.gov.uk/ukpga/2010/15/section/26>

<sup>280</sup> Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), *APA handbooks in psychology series. APA handbook of the psychology of women: Perspectives on women's private and public lives* (pp. 215-234). Washington, DC, US: American Psychological Association, p. 20.

<sup>281</sup> Women and Equalities Committee (2018). *Sexual harassment in the workplace, Fifth Report of Session*, 6.

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- Categorisation into four behavioural types, on the basis of type and severity:
    1. Non-verbal – e.g. sexually suggestive gestures, display of sexual material);
    2. Verbal – e.g. sexually suggestive comments or jokes);
    3. Physical – e.g. touching, hugging, kissing, rape); and
    4. Cyber – e.g. offensive, sexually explicit e-mails or SMS messages, offensive, inappropriate advances on social networking sites).

### Prevalence

Of the four most recent large-scale surveys of workplace sexual harassment in the UK, there is no consistent typology or definition used (nor explanations of the descriptors included), making it difficult to determine an accurate figure of sexual harassment incidence, overall or by type. However, comparing these studies shows some consistency and coverage when looking across the four behavioural types categorisation above. This allows for a broad comparison of findings by type to assess common trends recent incidence data:

- Most common across all studies was forms of verbal harassment, such as ‘sexual jokes, comments and banter’, ranging between 27%<sup>282</sup> and 32%.<sup>283</sup> Comments about appearance (25%)<sup>284</sup> and comments of a sexual nature about body and clothes (28%)<sup>285</sup> also showed consistently high incidence.
- Physical sexual harassment appeared to show the next highest incidence, though figures are inconsistent across studies. Where consistent codes were used, there appeared to be similar results, for example unwanted touching (e.g. placing hand on lower back or knee) at 23%<sup>286</sup> and 22%.<sup>287</sup> There was also consistency across surveys at the next “level of severity” with inappropriate touching (15%),<sup>288</sup> unwanted and/or inappropriate touching hugging or kissing (14%)<sup>289</sup> and sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss) (14%<sup>290</sup> and 12%).<sup>291</sup>

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<sup>282</sup> Prospect (2018). A workplace guide to dealing with sexual harassment. Retrieved from: <https://unionsafety.eu/ELibrary/media/elibrarymedia/BECTUWorkplaceGuideToDealingWithSexualHarassment.pdf>

<sup>283</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p.13

<sup>284</sup> Prospect (2018). A workplace guide to dealing with sexual harassment. <https://unionsafety.eu/ELibrary/media/elibrarymedia/BECTUWorkplaceGuideToDealingWithSexualHarassment.pdf>

<sup>285</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p.13

<sup>286</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p.13

<sup>287</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>288</sup> ComRes (2017). Sexual Harassment in the Workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-radio-5live-sexual-harassment-in-the-workplace-survey/>

<sup>289</sup> Prospect (2018). A workplace guide to dealing with sexual harassment. Retrieved from: <https://unionsafety.eu/ELibrary/media/elibrarymedia/BECTUWorkplaceGuideToDealingWithSexualHarassment.pdf>

<sup>290</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>291</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p. 13,14.

- Within physical sexual harassment, serious sexual assault was fairly consistent (1%,<sup>292</sup> 3%<sup>293</sup> and 3%),<sup>294</sup> while there was also consistency within non-verbal sexual harassment, e.g. pornographic material (9%<sup>295</sup> and 8%),<sup>296</sup> and for cyber sexual harassment, e.g. receiving unwanted messages from colleagues with material of a sexual nature on social media (5%,<sup>297</sup> 5%).<sup>298</sup>

Gender is the most commonly cited difference in terms of sexual harassment incidence – both at work and in other locations. Studies from the UK workplace which use behavioural descriptors lend support to the claim that roughly one in two women will experience some form of sexual harassment during their working lives.<sup>299</sup> While anyone can experience sexual harassment, there is strong evidence that women are the primary victims of this behaviour and men are the perpetrators. A survey of TUC members found that this was the case in 90% of incidents.<sup>300</sup>

Age and sexual orientation (LGBT) are also known to show significant differences in incidence levels, with age closely linked to gender, work position/level and power imbalances, whilst LGBT differences link specifically to hostile behaviours exhibited towards them from a sex/gender viewpoint. Recent research by TUC also provides evidence that there is a higher incidence of sexual harassment for LGBT employees, with 68% experiencing some form of harassment, far higher than incidence reported by women for example.<sup>301</sup> This raises an important question of whether these experiences should be explored separately within studies.

Research on ethnic differences has yet to prove a significant difference in the proportion experiencing sexual harassment (generally or at work) by ethnicity, while there is limited evidence regarding differences in terms of disability

## Profiling

### *Victims*

The wealth of research into sexual harassment in the workplace conveys the idea that women are most commonly the victims of unwanted sexual behaviours. This is a widely accepted finding and is supported by a range of studies worldwide. Research on this topic also reveals that there is a multitude of other factors concerning gender, age, ethnicity, job status, and sexual orientation, which might predispose an individual to be

<sup>292</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p.13,14.

<sup>293</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>294</sup> ComRes (2017). Sexual Harassment in the Workplace. Retrieved from ComRes: <https://www.comresglobal.com/polls/bbc-radio-5live-sexual-harassment-in-the-workplace-survey/>

<sup>295</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p.13.

<sup>296</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.

<sup>297</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>

<sup>298</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p.13.

<sup>299</sup> Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), *APA handbooks in psychology series. APA handbook of the psychology of women: Perspectives on women's private and public lives* (215-234). Washington, DC, US: American Psychological Association, p. 225.

<sup>300</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p.15.

<sup>301</sup> BBC and ComRes (2017) Sexual Harassment in the workplace. Retrieved from: <https://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>.



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more likely to experience sexual harassment in the workplace. However, at present there is a lack of evidence on the intersectionality of these factors in relation to the victims of sexual harassment.

There are various theories to explain each of these differences, including:

- With gender, literature focuses on the relationships between victims and perpetrators refers to four main theories that explain the underlying factors causing sexual harassment to occur, these include: sex-role spill-over, gender policing, social power imbalance, and the heavily disputed natural biological model.
- Age is closely linked to gender, with young women more likely to experience sexual harassment due to issues of social power balance, contract type (or lack thereof, e.g. volunteers and interns), and spill-over.
- LGBT employees are believed to experience more sexual harassment than their cisgender heterosexual counterparts as a result of gender policing.<sup>302</sup> This may also be particularly salient for transgender employees, who directly challenge the notion that gender is binary, and so may receive an increased backlash from other members of their workplace.<sup>303</sup>

#### *Perpetrators*

Most research into characteristics of those involved in sexual harassment usually focuses on that of the victim, with a lack of research on the characteristics of those with a tendency to act as a *harasser*. Of this research, it is widely accepted that perpetrators are most commonly men, but there are some other characteristics that have also been studied to be attributes of perpetrators. Within the limited research, the key findings in relation to perpetrator characteristics relate to the most common perpetrator group in terms of socio-demographics, the link of this to positions of power, and, further, to specific personality traits (such as honesty/humility and social consciousness).

#### *Bystanders*

Similar to that of perpetrators, the research on bystanders is minimal in comparison to the literature surrounding victims. Much of the studies that are available pre-date 2000, and often lack representativeness.

The actual experience of sexual harassment for bystanders can determine their reactions and whether they deem it appropriate to intervene; for instance, if they witness the event, they may be more likely to take action than if they hear of it through others. Observers of sexual harassment may take it upon themselves to intervene when witnessing incidents, which can result in a range of behaviours. This could be formally reporting the harassment, criticising the harasser's behaviour and communicating that to them, or stopping the harassment occurring as it unfolds.<sup>304</sup>

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<sup>302</sup> Konik, J., Cortina, L. M. (2008). Policing gender at work: Intersections of harassment based on sex and sexuality. *Social Justice Research*, 21, 313-337, p. 330, 332.

<sup>303</sup> Nagoshi, J. L. (2007). Deconstructing the complex perceptions of gender roles, gender identity, and sexual orientation among transgender individuals. *Feminism & Psychology*, 22(4), 405-422, p. 406.

<sup>304</sup> Bowes-Sperry, L. O'Leary-Kelly, A.M. (2005). To Act or Not to Act: The Dilemma Faced by Sexual Harassment Observers. *Academy of Management Review*, 30(2), 288-306.

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## Reporting

Official figures on levels of reporting are lacking, perhaps largely due to the fact that not all organisations have a monitoring procedure in place; the Equal Opportunities 2002 review found that 77% of organisations overall have a reporting policy, split as 92% of public sector organisations compared to just 54% of private sector organisations.<sup>305</sup> This means that the majority of statistics available are based on self-reporting in surveys, suggesting that levels of non-reporting may be even higher than this as some victims may be reticent to report their experience even in an anonymous survey.

The broad range of figures given supports the need for more robust data which provides accurate figures on levels of sexual harassment in the workplace and figures on how many of these incidents are reported to the employer directly. Some of the existing research includes:

- Trade Union Congress (TUC) Research in 2016 showed four in five women who had experienced workplace sexual harassment did not report it to their employer.<sup>306</sup>
- The Industrial Society found that just 5% of victims of sexual harassment in the workplace make a formal complaint against the harasser.<sup>307</sup>
- Opinium found that 58% of female victims and 43% of male victims reported the sexual harassment.<sup>308</sup>
- The Young Women's Trust found that 8% of young women have experienced sexual harassment and reported it but double the number (15%) have experienced harassment and not reported it.<sup>309</sup>

Non-reporting is assumed to be a common response. As the Women and Equalities Select Committee (WESC) Report notes, women who have experienced harassment often alter their own behaviour to avoid their harasser, rather than report the harassment, whilst the perpetrator's life remains unchanged.<sup>310</sup> This leaves a gap in our understanding of the picture of sexual harassment in the workplace.

It should be acknowledged that non-reporting does not necessarily mean victims are passive or accepting of the sexual harassment they are experiencing in the workplace. Research demonstrates that there is a spectrum of responses to sexual harassment in the workplace, particularly reporting the experience to family and/or friends.

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<sup>305</sup> Equal Opportunities Review (EOR). 2002. Sexual Harassment – an EOR survey”, Equal Opportunities Review, London, 102 EOR 8.

<sup>306</sup> Trade Union Congress. (2016). Still just a bit of banter. Sexual Harassment in the workplace in 2016, p. 18.

<sup>307</sup> Hunt, C. M., Davidson, M. J., Fielden, S. L., & Hoel, H. (2010). Reviewing sexual harassment in the workplace—an intervention model. *Personnel Review*, 39(5), 655-673, p. 658.

<sup>308</sup> Opinium Research. (2017). Workplace Culture – Sexual Harassment. Retrieved from <https://www.opinium.co.uk/one-in-five-women-have-been-sexually-harassed-in-the-workplace/>

<sup>309</sup> Young Women's Trust (2018). It's (Still) a Rich Man's World: Inequality 100 Years After Votes for Women. Young Women's Trust Annual Survey 2018. Retrieved from: <https://www.equallyours.org.uk/young-womens-trust-annual-survey-2018-its-still-a-rich-mans-world/>, p.4

<sup>310</sup> Women and Equalities Committee (2018). Sexual harassment in the workplace, Fifth Report of Session, 8.

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More research is needed to understand *how* those who have reported sexual harassment in the workplace to their employer reported it; the current data does not give a robust picture of the mechanisms used for reporting.

### **Theories of intervention**

There are a number of leading theories for intervention in sexual harassment in the workplace. Although the different theories show great promise, we lack the empirical evidence to know which model or models are the most effective and should be promoted as best practice policy for reducing sexual harassment in the workplace

Across the models there appears to be consensus that whole of organisation approaches are the most effective in addressing sexual harassment in the workplace.<sup>311</sup> Further, a common thread among the frameworks for reducing sexual harassment in the workplace is the need to address the antecedent of gender inequality in the workplace.

It is critical that employers not only start using models such as those outlined in Chapter 5, but efforts to address sexual harassment are objectively reviewed so the evidence base for 'what works' to eliminate sexual harassment in the workplace can grow.

### **Sexual harassment policies and interventions in the UK**

Although there is a lack of empirical evidence to guide the Government, employers, regulators and other bodies such as trade unions on how best to tackle sexual harassment in the workplace, the July 2018 WESC Report has significantly reduced this gap. WESC undertook an extensive evidence review to inform a five-point action plan made to the Government. This five-point plan includes:

- Action Point 1: put sexual harassment at the top of the agenda
- Action Point 2: require regulators to take a more active role
- Action Point 3: make enforcement processes work better for employees
- Action Point 4: clean up the use of NDAs
- Action Point 5: collect robust data

In response to this, the Government announced a package of 12 measures split between immediately actionable measures and items the Government plans to consult on. The 12 measures announced in December 2018 include:<sup>312</sup>

1. A new statutory code of practice on sexual harassment;
2. Awareness raising work with Advisory Conciliation and Arbitration Service (Acas), Equality and Human Rights Committee (EHRC) and employers;

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<sup>311</sup> Campbell, H., & Chinnery, S. (2018). What Works? Preventing & Responding to Sexual Harassment in the Workplace. Retrieved from: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>, p.40.

<sup>312</sup> Gov.UK (2018, December 18). Government announces new code of practice to tackle sexual harassment at work. [Press release]. Retrieved from: <https://www.gov.uk/government/news/government-announces-new-code-of-practice-to-tackle-sexual-harassment-ats-work>

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3. Gather regular data on the prevalence of sexual harassment via a survey;
  4. Consult on non-disclosure agreements;
  5. Consult on the evidence for a new legal duty of prevention for employers;
  6. Strengthen and clarify the laws on third party harassment in the workplace;
  7. Consult on the requirement for further legal protections for interns and volunteers;
  8. Explore the evidence for extending employment tribunal time limits;
  9. Ensure the public sector takes action to tackle and prevent;
  10. Work with regulators to ensure they are taking appropriate action;
  11. Consider further learnings from the criminal justice system for use in the employment tribunal system; and
  12. Check organisations who can receive 'whistleblowing' information are the right bodies.

While the WESC Report is reasonably extensive, the Report did not consider theories of intervention, employer best practice methods for preventing sexual harassment in the workplace, and how trade unions might assist in reducing workplace sexual harassment.

As discussed in Chapter 5, it is important that approaches to address sexual harassment sit within a theoretical framework and that the promising practices identified in these intervention theories are trialled and robustly evaluated. Employer-based actions to reduce sexual harassment in the workplace should consider: addressing the gender-power imbalance in the workplace; work-place training; gender positive behaviour from leadership; having clear workplace sexual harassment policies and implementing alternative procedures for reporting incidents of sexual harassment in the workplace. Further, the role of trade unions and other such organisations should be considered in a socio-ecological approach to reducing sexual harassment in the workplace.

## **Evidence gaps**

While the above has provided a detailed picture of current incidence, typologies, profiles, reporting culture and government responses to the issue, there are clear gaps in the evidence landscape that will need to be addressed in order to enable the Government to respond to and monitor the issue long term.

The gaps in the evidence include:

- A clear understanding of 'what works' to reduce and prevent sexual harassment in the workplace. The lack of empirical evidence measuring the effectiveness of

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interventions and theoretical frameworks has resulted in an absence of best practice guidance for the Government, employers and other organisations to make use of as they address sexual harassment in the UK workplace.

- A consistent, robust, evidence-based definition of sexual harassment which can be used to deliver an accurate level of incidence based on real (vs. perceived) sexual harassment and related behaviours, including secondary considerations of gender and racial harassment as linked to this;
- A robust body of evidence comparing incidence and experiences thereof amongst different demographic and social groups, particularly ethnicity, LGBT, and workplace position, with a specific need to robustly determine differences by age (as separate from gender), ethnicity and disability where evidence is limited;
- Evidence relating to the incidence and experience of sexual harassment for those age 16-17 who are working (part-time, full-time and/or voluntary);
- A robust body of evidence profiling perpetrators, with particular reference to detailed profiling and acknowledging the discrepancy between known vs. perceived sexual harassment behaviours;
- Further research on the behaviours and rationale thereof for bystanders who witness instances of sexual harassment and act/do not act;
- Further evidence on the existing reporting practices (or lack thereof) and their prevalence across UK business; and
- Citizen-led perspectives on what legislation and change is needed to support system change in relation to workplace sexual harassment.

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## Appendix B: Source Prioritisation

This appendix includes the list of 56 sources that were reviewed and prioritised as part of the initial literature scoping exercise (Phases 1 and 2). The exact process for identifying and prioritising these is outlined in the Introduction. Additional sources were included in the final report, as additional relevant sources were identified and/or to fill gaps in the literature.

### High Priority

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