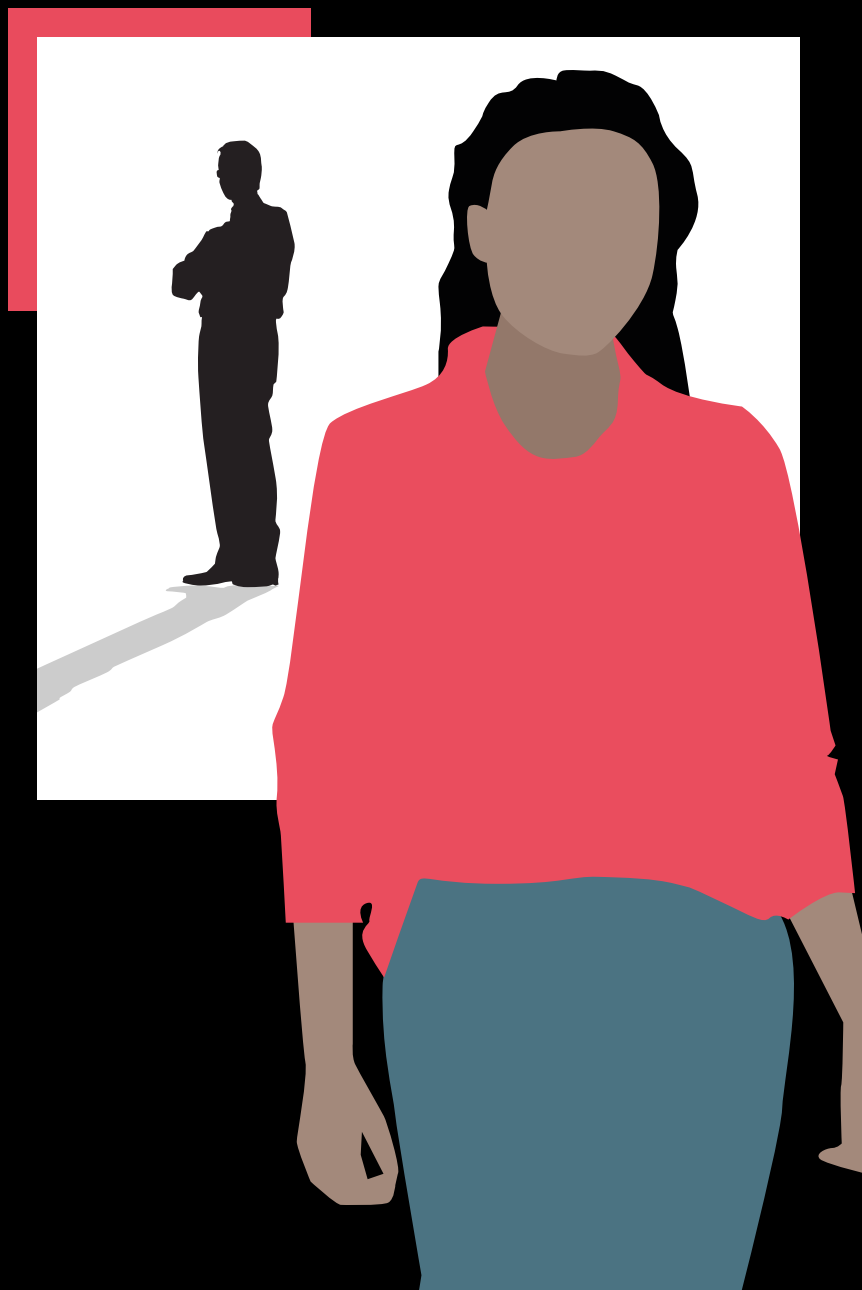


Tackling sexual harassment in the workplace

Report on employer actions to prevent and respond to workplace sexual harassment



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Executive summary

Key Messages

In July 2021 the UK Government committed to legislation for a duty on employers to prevent sexual harassment, following campaigning by Fawcett and other groups off the back of the MeToo movement. This move recognises that sexual harassment is not just about the aberrant behaviour of a few individuals. It is about a culture within workplaces where everyday behaviour which violates the dignity of, predominantly, women, is too often treated as acceptable “banter”. At least 40% of women have experienced workplace harassment, and women who are marginalised for other reasons, such as race or disability, face an increased risk and different forms of sexual harassment.

This culture is upheld by the way many employers approach sexual harassment, seeking to quietly resolve incidents after they have happened, and to minimize liability. This approach is an individualised response to an institutional problem. It can make things even worse for employees who report sexual harassment, who can face victimisation and retaliation. Women often recognize this risk, and choose not to report at all, leading to a vicious cycle where managers and leaders do not know what is happening in their organisations, and policies sit on the shelf unused.

Environments like this hold back employers who want to create a diverse, productive and people-focused organisation – and can reduce profits if employers have to pay employment tribunal fines and legal costs for failing to protect their employees.

That is why we need to rethink how we approach sexual harassment. There is now a regulatory need for employers to shift from an approach that seeks to minimise liability, to one that seeks to create organisational cultures and norms that prevent sexual harassment.

Our review of the current research identifies five key requirements to create a workplace that does not tolerate sexual harassment: culture; policy; training; reporting mechanisms; and the way employers respond to reports. Successful and lasting change requires sustained commitment, and we provide a guide in this executive summary, with more detail in the report, on how to do this work. In the new year, our partners will together publish an employer toolkit building on this insight to continue to support organisations to change.

Each of the five areas discussed in this report is interconnected, and good action in one area reinforces good action in others (and vice versa, if the work is not successful). For example, a good policy means reporting will be more likely, and the way employers respond

to reports helps determine the organisation's culture. The aim is to create a virtuous circle of improvements.

This will help create workplaces where women are safe to report incidents of sexual harassment and employers will be able to respond appropriately – it will create an environment where sexual harassment does not happen in the first place.

Introduction

This report is a review of the available evidence across multiple disciplines that sets out what we know about best practices in organisational culture change and preventing workplace sexual harassment, and the policies, training, reporting processes, and response handling that enable that change.

It combines this with evidence from a survey of Chartered Management Institute (CMI) members to understand how these professional managers perceive the actions taken by their employers, and their views on the evidence of best practice. As this survey is self-selecting it is likely to over-represent those who want to see a change; yet we still find consistent lack of confidence in responding to harassment. This report also contains the input of women who have experienced sexual harassment on the responses of their employers. We are grateful to them for their voices which are key to understanding how we can make change.

In this report we concern ourselves particularly with addressing sexual harassment through a gender equality lens and so the main focus is on the sexual harassment of women in the workplace. That focus does not seek to minimise the impact that sexual harassment can have on all the people who experience it, but overall, the evidence shows that it is more commonly perpetrated by men, on women.

The research and recommendations in this report are confined to what employers can do to tackle sexual harassment in the workplace; they do not include wider, but important efforts, for example, by trade unions and governments.

Part 1: The current picture in the workplace

The current prevalence and prevention of sexual harassment

What is sexual harassment?

Workplace sexual harassment is unwanted behaviour of a sexual nature that violates a worker's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.¹ It is recognised under multiple international agreements and laws as sex discrimination,² and must be eliminated in creating gender equal societies and workplaces.

Sexual harassment is the technical name for a range of behaviours affecting workers which are unlawful, including sexual comments or jokes; suggestive looks, staring or leering; intrusive questions about a person's private or sex life or a person discussing their own sex life; spreading sexual rumours about a person; or sending sexually explicit emails or text messages.³

1 *Equality Act 2010* (Great Britain)

2 Women and Equalities Select Committee Report. (2018). [Sexual harassment in the workplace](#).

3 Equality and Human Rights Commission [EHRC]. (2020). [Sexual harassment at work: Technical guidance](#).

It can be motivated by sexual entitlement, or be used to humiliate or belittle people with the goal being to ‘put them in their place’ or create entertainment for others. Often, harassment of a sexual nature accompanies harassment related to other characteristics such as gender reassignment or race.⁴

How common is sexual harassment?

The available statistics on workplace sexual harassment make clear that it cannot be dismissed as something that only happens to a few women over the course of their career. It remains part of day-to-day behaviour, despite existing policies and training efforts.

- At an absolute minimum sexual harassment is experienced by 40% of women in the workforce over the course of their career.⁵
- Inappropriate and offensive comments are more common than unwanted touching. Unwanted sexual touching or assault is less frequent, but still by no means rare and not something employers can assume does not happen in their workplace.⁶
- Escalations and new forms of harassment have also been reported due to working from home: 45% of women in a recent survey reported experiencing harassment online through sexual messages, cyber harassment and sexual calls. Over one in five (23%) women who had been sexually harassed said the harassment increased or escalated since the start of the pandemic while they were working from home.⁷

Different women experience different rates and forms of harassment

Sexual harassment is targeted disproportionately at young women, sexual and gender minorities, and women who are marginalised and disadvantaged. Women facing multiple forms of disadvantage can be both an ‘easier target’ because they have less power than others and also a more likely target because of social prejudice and stereotypes, as well as perception that their success in the workplace threatens the current social order.⁸

- Almost seven in ten (68%) disabled women reported being sexually harassed at work, compared to 52% of women in general.⁹ Research on the experiences of sexual harassment of disabled women across different parts of their lives finds that ableism produces systems and norms that assume able-bodiedness and label disabled bodies as abnormal, sick, unnecessary, and inconvenient.¹⁰
- Ethnic minority workers (women and men) reported higher rates (32%) of sexual harassment than white workers (28%) over the last 12 months.¹¹ Buchanan’s concept of racialised sexual harassment explains how the intersecting discrimination of race and gender – and often social class – compounds to create a specific form of sexual harassment experienced

4 Buchanan, N. T. (2005). The nexus of race and gender domination: The racialised sexual harassment of African American women. In P. Morgan & J. Gruber (Eds.), *In the Comparison of Men: Re-discovering the Links between Sexual Harassment and Male Domination* (pp. 294-320). Boston: Northeastern University Press.

5 BBC & ComRes. (2017). [Sexual harassment in the workplace](#).

6 TUC. (2016). [Still just a bit of banter? Sexual harassment in the workplace in 2016](#); Adams, L., Hilger, L., Moselen, E., Basi, T., Gooding, O. & Jull, J. (2021). [2020 Sexual Harassment Survey](#): Government Equalities Office.

7 Rights of Women (2021). [Rights of women survey reveals online sexual harassment has increased, as women continue to suffer sexual harassment whilst working through the Covid-19 pandemic](#).

8 Brassel, S. T., Davis, T. M., Jones, M., K., Miller-Tejada, S., Thorne, K., M. & Areguin, M. A. (2020) The importance of intersectionality for research on the sexual harassment of Black queer women at work. *Translational Issues in Psychological Science*, 6(4), 383-391; Minnotte, K. L. & Legerski, E. M. (2019). Sexual harassment in contemporary workplaces: Contextualizing structural vulnerabilities. *Sociology Compass*, 13(12), e12755.

9 TUC. (2021). [Sexual harassment of disabled women in the workplace](#).

10 Haraldsdóttir, F. (2020) Being a disabled feminist killjoy in a feminist movement. In G. Chandra & I. Erlingsdóttir (Eds.), *The Routledge Handbook of the Politics of the #MeToo Movement* (pp. 199-220). New York: Routledge

11 Adams, L., Hilger, L., Moselen, E., Morrice, N., Gooding, O., Karadia, A. (2021). [2020 Sexual Harassment Survey](#): Government Equalities Office. Government Equalities Office. (p70).

by women of colour in the workplace. For example, due to the intersection with racially charged stereotypes and the legacy of slavery, Black women are perceived as hypersexual and aggressive. Stereotypes of Asian women as exotic geishas, sex workers, and mail-order brides who are submissive and dedicated to caring for male members of their family result in expectations that they will be passive to workplace sexual harassment.¹²

- A poll of LGBT workers found that 68% had experienced some form of harassment in the workplace.¹³ The GEO survey found a higher incidence of sexual harassment among LGB workers and found that 71% of transgender women and 72% of transgender men reported sexual harassment in the past 12 months.¹⁴ LGBT employees are often subject to gender policing – sexual harassment of someone who defies traditional gender norms.¹⁵

Young women, women in insecure work, male-dominated environments and customer-facing roles are more at risk of sexual harassment because of the power they lack in the workplace.

Current approaches to the prevention of sexual harassment are not effective

Sexual harassment has been on employers' agendas for decades and has received increased attention since the #MeToo movement. However, most current approaches to workplace sexual harassment are built around the premise of avoiding employer liability.¹⁶

Research has found that it is this liability-avoiding attitude that allows sexual harassment to persist in workplaces because employers focus on paper-based compliance when a broader approach that includes a culture shift is actually what is needed.¹⁷

Evidence from Australia finds that employers tend to take a reactive and compliance-driven approach to addressing workplace sexual harassment; they take little action until an incident arises and then respond to it in a way that minimises reputational damage.¹⁸ We need to shift from an approach that seeks to minimise employer liability to one that seeks to create organisational cultures and norms that prevent sexual harassment.

After the incident: reporting and responding to sexual harassment and the long-term harms

Although approximately half of women experience sexual harassment at work, far less than half of these cases are reported.¹⁹ Women are rarely supported when they do report, and managers who are responsible for dealing with reports feel unprepared. This vicious circle of low reporting keeps information and understanding low, and thus preparedness and response is weakened in turn. Women see this, and do not want to risk compounding their already negative experience by having it exposed to someone who is unsympathetic and unprepared.

12 Buchanan, N. T. and West, C. M. (2009). Sexual harassment in the lives of Women of Colour. In N. E. Russo & H. Hope (Eds.), *Handbook of Diversity in Feminist Psychology* (474-501). New York: Springer Publishing Company.

13 TUC. (2019). [Sexual harassment of LGBT people in the workplace: A TUC report.](#)

14 Adams et al. (2021). [2020 Sexual Harassment Survey](#): Government Equalities Office. (p112)

15 Brassel, S. T., Settles, I. H., & Buchanan, N. T. (2019) Lay (mis)perceptions of sexual harassment towards transgender, lesbian, and gay employees. *Sex Roles*, 80, 76-90.

16 Medeiros, K. and Griffith, J. (2019). #Ustoo: How I-O psychologists can extend the conversation on sexual harassment and sexual assault through workplace training. *Industrial and Organizational Psychology*, 12(1), 1-9.

17 McDonald, P., Charlesworth, S. & Graham, T. (2014). Developing a framework of effective prevention and response strategies in workplace sexual harassment. *Asia Pacific Journal of Human Resources*, 53(1), 41-58; 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.

18 Australian Human Rights Commission [AHRC]. (2020). [Respect@Work: National inquiry into sexual harassment in Australian workplaces.](#)

19 Clarke, H. M. (2014). Predicting the decision to report sexual harassment: Organizational influences and the theory of planned behaviour. *Journal of Organizational Psychology*, 14(2), 52-65

Sexual harassment is under-reported

A survey of 1,533 workers conducted by YouGov for the TUC found that 79% did not report unwanted sexual behaviour to their employer.²⁰

Reasons the reporting rate is so low can be summarized into six categories:

1. the employer or employee minimises the seriousness of the experience;²¹
2. the employee lacks faith in their employer's response;²²
3. the employee holds little power in the workplace;²³
4. the employee fears negative personal consequences;²⁴
5. the employee does not want to reinforce stereotypes about women from their race or ethnicity; and;²⁵
6. the employee faces structural and procedural limitations.²⁶

Women who the literature suggests do not report because they hold a vulnerable position in their workplace include those harassed by senior men while working in a junior position; women who have no employment protection because they are an agency worker; young women; and women new to the organisation. Inadequate reporting route options was a particular issue for women working in small organisations.

Reports of sexual harassment are rarely handled appropriately

Current approaches to sexual harassment rely on women coming forward to report harassment. This can be incredibly sensitive and traumatic – and put them in a vulnerable position personally and within their workplace. It is also an individualised response to an institutional problem and cannot result in the culture shift that is needed to prevent sexual harassment or ensure it is dealt with properly.



20 TUC (2016)

21 Vijayasiri, G. (2008). Reporting Sexual Harassment: The importance of organizational culture and trust. *Gender Issues*, 25, 43–61.

22 Markson, H. & Harvey, J. (2018). [Speak out: Sexual harassment report 2018](#). Ministry of Defence.

23 Equality and Human Rights Commission [EHRC]. (2018). [Turning the tables: Ending sexual harassment at work](#)

24 Campbell, H. & Chinnery, S. (2018). [What works? Preventing and responding to sexual harassment in the workplace: A rapid evidence review](#). Care Insights, Care International; 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.

25 Buchanan (2005)

26 Campbell & Chinnery (2018); Herovic, E., Scarduzio, J. A. and Lueken, S. (2019). "It literally happens every day": The multiple settings, multilevel considerations, and uncertainty management of modern-day sexual harassment. *Western Journal of Communication*, 83(1), 39-57

- The EHRC conducted a voluntary online survey asking employees who experienced sexual harassment to share their experience. The survey found that in about half of the cases where employees did report, their employer took no action, minimised the incident, or placed the responsibility on the employee to avoid the harasser.²⁷
- This was most common in cases of third-party harassment, where sexual harassment from customers and clients in the hospitality and retail sector is wrongly viewed as part of the job.²⁸
- Women in our call for evidence told us that when they did report their experience to their employer, they faced inaction or dismissal of the incident, discouragement to file a formal report, insufficient and inappropriate action, poor handling of the investigation and grievance process, and blame or punishment.
- In some cases, the perception that the women were to blame was reinforced by the fact that they were moved from their roles, rather than their harasser.
- Women reported being satisfied with their employer's response when they were believed and their report was taken seriously, and/or the harasser was disciplined.

Employer responses to sexual harassment are often insufficient or inappropriate not only because managers dismiss the seriousness of the situation (although as the results from the call for evidence show, this is the case in many situations), but also because managers do not know how to respond.

- Among managers that took part in the manager survey, only 14% had dealt with a report of sexual harassment in their workplace. Of those that did, 68% said they were confident in knowing how to respond and 45% said they felt supported by their workplace to respond to the report.
- Managers who did not feel confident said that their workplace had poor systems in place for handling reports of sexual harassment or did not take reports of sexual harassment seriously. They described being frustrated that reports of sexual harassment are sometimes brushed aside.
- Male managers were more likely to say that they would take the issue into their own hands by speaking to the alleged harasser to hear their side, talking to the others to find witnesses, and supporting the person to confront the harasser. This could expose employees who have been harassed to a greater risk of retaliation and victimisation, as their identity is not kept confidential. These differences point to the need for comprehensive training to ensure that all managers within an organisation respond consistently to a report of sexual harassment.

What is the long-term harm of sexual harassment?

Tackling sexual harassment in the workplace should be understood not only as a moral imperative, but as necessary for the functioning of a strong, high-performing organization. Employers cannot assume that the impact of sexual harassment is confined to the incident itself; instead, in most cases the incident only starts off a long and painful chain reaction for women who are sexually harassed.

The cost of sexual harassment to organisational performance is high and includes impact on productivity, engagement and absenteeism, staff turnover and workplace culture, as well as costs incurred in investigation, legal advice, compensation and reputational damage. Analysis

27 EHRC (2018)

28 EHRC (2018)

by Deloitte estimated that in 2018 in Australia, workplace sexual harassment resulted in \$2.6 billion AUD (approx. £1.5 billion GBP) in lost productivity.²⁹

Employees who experienced sexual harassment have lower mental and physical health, job satisfaction, and organisational commitment.³⁰

Sexual harassment harms not just the women themselves, but their colleagues, workplaces and the effective achievement of organizational goals.

Part 2: Employer actions to tackle sexual harassment in the workplace

Culture change efforts

Many people think that ‘minor’ sexual harassment is a normal part of the workplace that women should just put up with. Establishing a culture that challenges this idea is the necessary first step in preventing sexual harassment. Creating and maintaining that culture is necessary for all other employer efforts to work effectively.

The culture of an organisation is one of the greatest predictors of the level of sexual harassment within a workplace.³¹ Employees respond to their environment; if their employer takes sexual harassment seriously, they are more likely to as well. Organisational cultures are perceived to be tolerant of sexual harassment when sexually harassing behaviours go unchecked by managers and bystanders, employees are deterred from reporting sexual harassment and face retaliation if they do, and perpetrators of sexual harassment are not disciplined.³²

Employers can begin to tackle sexual harassment by engaging in an organisational review and reflecting on their practices – paying particular attention to ways in which reports involving different groups of employees vary.

- Conducting a “climate survey” to identify patterns of behaviour and ideas enables employers to identify the workplace norms and practices that are shaping sexual harassment risks. Doing so also correctly reframes sexual harassment from an individual issue to an organisational issue.³³

Two organisational factors, the number and role of women in the organisation and leadership commitment, have been identified in the literature as important predictors of organisation’s tolerance for sexual harassment and levels of harassment.

- Studies have conclusively demonstrated that sexual harassment levels are higher in workplaces with more men than women, where the leadership is dominated by men and where nature of work is “traditionally” male (such as construction or law),³⁴ because in these environments, gender inequality norms are reinforced.³⁵ Women in high-ranking positions and in roles traditionally occupied by men are also more likely to experience sexual harassment.³⁶

29 Deloitte Access Economics. (2019). [The economic costs of sexual harassment in the workplace: Final report.](#)

30 Willness, C., Steel, P. & Lee, K. (2007). A meta-analysis of the antecedents and consequences of workplace sexual harassment. *Personnel Psychology*, 60(1), 127-162.

31 McDonald, P., (2011) Workplace sexual harassment 30 years on: A review of the literature. *International Journal of Management Reviews*, 14(1), 1-17; Willness et al. (2007)

32 O’Leary-Kelly, A. M., Bowes-Sperry, L., & Arens Bates, C. (2009). Sexual harassment at work: A decade (plus) of progress. *Journal of management*, 35(3), 503-536; Walker, S. S., Ruggs, E. N., Taylor, R. M., & Frazier, M. L. (2019). Reporting sexual harassment: The role of psychological safety climate. *Industrial and Organizational Psychology*, 12(1), 106-109.

33 Campbell & Chinnery (2018)

34 However, women in traditionally female occupations, such as hospitality, retail and healthcare, are more likely to be at risk of third-party harassment: Hunt et al. (2010); Lee, J. (2018). Passive leadership and sexual harassment: Roles of observed hostility and workplace gender ratio. *Personnel Review*, 47(3), 594-612

35 Campbell & Chinnery (2018)

36 National Academies of Sciences, Engineering, and Medicine (2018)

Sexual harassment is more likely at workplaces with passive leadership (leaders who avoid decisions, do not respond to problems, fail to follow up on issues, and are absent when needed).³⁷

A demonstrated commitment to tackling sexual harassment and consistent action from a diverse senior leadership team is needed to foster an organisational culture that does not tolerate sexual harassment.³⁸

In addition to taking action to address sexual harassment and challenge inappropriate conduct, leaders should celebrate positive behaviour in the workplace and be transparent about their organisation's shortcomings and how they will be addressed.³⁹

Respondents to our call for evidence wrote that changing culture involves tackling 'old boys club' mentality in the workplace that permits and – at times – encourages sexual harassment.

Managers suggested that sexual harassment should be regularly discussed to signify the importance of tackling it, to counter the idea that it is rare and difficult to handle, and to normalise the discussion of it.

The findings from the manager survey indicate that there is an awareness of the seriousness of sexual harassment among managers and an effort to take action, but more proactive action is needed to challenge workplace cultures. Efforts to tackle sexual harassment therefore should be understood to function in conjunction with broader efforts to create more diverse and inclusive environments.⁴⁰

What can employers do? *Change the culture*

Improve equality, diversity, and inclusion within the organisation, particularly at senior levels. Employers should work to improve the inclusion and equality of their workplaces and diversify their workforce, including by promoting women, particularly women of colour, disabled women, and LGBTQ women into senior leadership positions; and ensuring that they can thrive there.

Demonstrate leadership commitment to tackling harassment. Leaders should demonstrate that they take sexual harassment seriously by stating their commitment to eliminating it in the workplace and holding their peers, and themselves, to account.

Proactively communicate that any sexual harassment is unacceptable – and demonstrate this through consistent actions when incidents occur. Employers should address all incidents of sexual harassment, small and large, with seriousness and professionalism, and say that harassing behaviours will not be tolerated.

Conduct a climate survey to measure organisational attitudes towards sexual harassment. Employers should anonymously ask their employees about the current status of sexual harassment in the workplace and use findings to identify where action is needed.

37 Lee (2018)

38 Women and Equalities Select Committee (2018); Zelin, A. I., & Magley, V. J., (2020). Sexual Harassment Training: Why it (Currently) Doesn't Work and What Can Be Done. In R. Geffner, V. Vieth, V. Vaughan-Eden, A. Rosenbaum, L. Hamberger, and J. White. (Eds.) Journal: Handbook of Interpersonal Violence Across the Lifespan (1-21), Cham: Springer.

39 AHRC (2020).

40 Roofeh, A. (2020). Many new solutions to workplace sexual harassment in a post #MeToo era, but will they do the trick? In G. Chandra & I. Erlingsdóttir (Eds.), The Routledge Handbook of the Politics of the #MeToo Movement (199-220). New York: Routledge.

Sexual harassment policies

Sexual harassment policies set the tone for how seriously the workplace takes sexual harassment. A straightforward and well-known sexual harassment policy is not only useful to employees who have been harassed and managers who are handling reports of harassment, but it can also serve as a clear signal that employers take sexual harassment seriously, contributing to the development of an organisational culture that does not tolerate harassment.⁴¹

Having a clear and detailed sexual harassment policy that is separate to a general harassment and bullying policy is a foundation for tackling sexual harassment.⁴² A policy that includes each of the following nine components is not only a piece of guidance for the workplace about how to handle sexual harassment cases under the law, but a symbol of their commitment to preventing and responding to sexual harassment effectively:⁴³

1. Policy statement
2. Definition of sexual harassment
3. Description of who and where the policy applies, including while working from home
4. Guide of how to report sexual harassment.
5. Outline of the responsibilities of management and staff who witness sexual harassment or who receive a complaint of sexual harassment
6. Description of the formal grievance or complaint and investigation procedure
7. Description of the possible sanctions for committing sexual harassment and how sanctions will be decided
8. Statement of zero tolerance for victimisation
9. Commitment to reviewing and evaluating the policy

It is vital to provide examples of behaviours that constitute sexual harassment because research has found that perceptions vary between people (especially men and women)⁴⁴ and the belief that an experience was not serious enough to be considered sexual harassment is a reason why employees who experience sexual harassment do not report.

A clear and detailed sexual harassment policy is necessary but alone cannot tackle sexual harassment. Policies will only be enacted if they are supported by a larger programme of culture change that includes internal awareness and communication of the policy.⁴⁵

- Managers with clear sexual harassment policies reported in our survey that these policies made them feel confident to deal with reports of sexual harassment and supported by their workplace.
- They appreciated policies that clearly stated the process for dealing with sexual harassment and set out what they were expected to do. They also appreciated policies that contained examples and proformas.

41 Women and Equalities Select Committee (2018)

42 Zelin & Magley (2020)

43 McCann, D. (2005). [Sexual harassment at work: National and international responses](#). Conditions of work and employment series No. 2, International Labour Organization.

44 Rubino, C., Avery, D. R., McKay, P.F., Moore, B. L., Wilson, D. C., Van Driel, L. ... McDonald, D. P. (2018). And justice for all: How organizational justice climate deters sexual harassment. *Personnel Psychology*, 71(4), 519– 544.

45 Campbell & Chinnery (2018)

What can employers do? *Sexual harassment policies*

Include employees in the development of the sexual harassment policy

Create and publish a standalone sexual harassment policy that includes the nine essential elements highlighted in this research and make it accessible for all written using simple and easy to understand words and concepts, and with accessible versions for employees with, for example, visual impairments.

Communicate the policy to employees and regularly advertise it. When introducing a new sexual harassment policy, senior leaders should share it with all employees, outlining its contents and importance. New employees should be introduced to the policy during their induction.

Follow through on the policy statement. This means appropriately and proportionally disciplining anyone who is found to have committed sexual harassment, including behaviours that may have in the past been treated as ‘normal’.

Anti-sexual harassment training

Although there is still much that is unknown about how best to design anti-sexual harassment training to help prevent harassment from occurring, it is an important tool for employers to use in their efforts to change the culture of their organisation.

Sexual harassment training should be tailored to the organization – using information on where it occurs, and the characteristics of who perpetrates sexual harassment and who is targeted (e.g. seniority level or individual characteristics such as race and ethnicity).⁴⁶ It can include teaching on how to prevent harassment, but it can also include important information on how to report sexual harassment and how to respond to a report.⁴⁷ By holding regular sexual harassment training, employers can raise awareness about sexual harassment and demonstrate their commitment to tackling it within their organisation.

To effectively combat sexual harassment, employers also need to address the systems and cultures that allow it to happen. It follows that training should address behaviour that is unacceptable, not just technically legally actionable.⁴⁸

The findings of the call for evidence and manager survey reveal a strong desire among managers to be properly and thoroughly trained on sexual harassment.

They recommended that training sessions for managers be made mandatory and offered regularly, not only during employee onboarding, to assist in keeping tackling sexual harassment on managers’ agenda.

Managers also recommended that training covers how to make a report, what constitutes sexual harassment, anti-gender discrimination and unconscious bias training to address wider issues of gender inequality in the workplace.

Bystander intervention training is thought to be beneficial to the workplace for several reasons. It can allow better support to victims, and signal organizational commitment; but a crucial function is that it frames men as allies, rather than simply potential harassers.⁴⁹

46 National Academies of Sciences, Engineering, and Medicine (2018)

47 Roehling, M.V. & Huang, J. (2018). Sexual harassment training effectiveness: An interdisciplinary review and call for research. *Journal of Organizational Behaviour*, 39(2), 134– 150.

48 EEOC Select Task Force on the Study of Harassment in the Workplace (2017) [Key findings of the select task force on the study of harassment in the workplace](#). National Sexual Violence Resource Centre.

49 Steele, L. M., & Vandello, J. A. (2019). When training backfires and what can be done about it. *Industrial and Organizational Psychology*, 12(1), 30-33.

Managers in our survey agreed with the women who responded to the call for evidence that bystander intervention training would help to signal that all employees have a responsibility to step in when sexual harassment occurs.

What can employers do? *Anti-sexual harassment training*

Run training alongside other efforts to tackle workplace sexual harassment. Employers should not expect that training alone can prevent sexual harassment from happening in their workplace. Instead, training should be part of wider culture change.

Tailor training to the needs of the organisation. Before training employees, employers should conduct a climate survey to identify sexual harassment “hotspots” and gauge employees’ attitudes towards harassment. This data should be used to tailor the training to the needs of the workplace.

Train all employees, providing both information on sexual harassment, and bystander training. All employees, including new inductees, should be regularly trained in what constitutes sexual harassment, who is targeted and by whom, the harm it can cause, how to report it, and the importance of preventing it, and training should cover intersectional types of sexual harassment. They should also be trained in bystander intervention, not only because it teaches employees to act when they witness harassment but also because it works to create a shared understanding that sexual harassment is not acceptable in the workplace.

Hold role-specific training for managers and investigators. In addition to training for all employees, managers should also receive training in how to respond to a report of sexual harassment.

Evaluate the training. Employers should conduct pre- and post-training surveys to monitor the effectiveness of the training, keeping in mind that positive outcomes (i.e. a reduction in sexual harassment rates) may only be apparent in the long-term. Employers should adapt training based on employee feedback and suggestions.

Reporting sexual harassment

A robust reporting system is one in which employees know how to make a report, feel safe to do so, and are able to select a route that works for them. The existence of multiple secure, well-functioning, and well-known sexual harassment reporting routes can increase reporting rates and contribute to culture change efforts within an organisation.

Traditionally, sexual harassment reporting has relied on a grievance procedure – in which the only way to request support and action from an employer is to file a complaint, typically to an immediate supervisor.⁵⁰ This can discourage employees who do not feel comfortable reporting to the designated person (especially if that person is the harasser or is supervised by the harasser).⁵¹

An informal reporting process can serve a number of purposes. First, it gives agency and control to the employee to decide what actions they want taken, rather than following a strict grievance procedure that can be drawn out and stressful. It also allows sexually harassed employees to immediately access workplace adjustments or support services, such

50 Best, C. L., Smith, D. W., Raymond, J. R., Greenberg, R. S., Crouch, R. K. (2010). Preventing and responding to complaints of sexual harassment in an academic health center: A 10-year review from the medical University of South Carolina. *Academic Medicine*, 85(4), 721-727.

51 McCann (2005); McDonald et al. (2014)

as counselling.⁵² However, informal reporting may not be appropriate for more serious forms of harassment, and/or if there is a risk that the harasser will harm other employees.⁵³

There should be more than one person employees can make a report to.⁵⁴ These complaint handlers should be spread throughout levels of management.⁵⁵ In small businesses with limited internal options, this may involve offering an independent person or service for employees to turn to.⁵⁶

- The findings from women and managers clearly demonstrate this need, with both groups strongly advocating for multiple reporting routes, including a designated person, a hotline, or a website.

Whichever avenues employers choose to adopt, they must make their employees aware of the mechanisms and train them on how to use them. Studies have found that employees who had received high levels of training on the details of their workplace's policy and process were more likely to indicate they would report an experience of sexual harassment, compared to employees who received low levels of training.⁵⁷

What can employers do? *Reporting sexual harassment*

Allow employees to make an informal or formal report and make them aware of the difference. Each employee who has experienced sexual harassment will have different needs and desire different outcomes. Allowing employees to make an informal report, with the option of making a formal report later, recognises these differences. Employers should make clear what action or outcomes will follow from each type of report.

Offer multiple reporting routes. The type of routes on offer will depend on the resources available to the organisation but can include a phone line, a webform or app, an independent third-party, and an anti-sexual harassment pioneer. At a minimum, employees should be able to make a report to at least two different people and those people should come from different levels within the organisation.

Offer anonymous reporting in tandem with named reporting. Employers who chose to offer anonymous reporting routes should only do so in conjunction with named reporting routes. Employees should be aware of the limited action that can follow an anonymous report and should be given the option to make a named report at any point afterwards.

Encourage employees to report any incidence of sexual harassment. Employers should encourage all employees who experience or witness sexual harassment to make a report.

Employer responses to reports of sexual harassment

The belief that an organisation is challenging sexual harassment and changing its culture will be broken irreparably if action does not follow words – reports of sexual harassment must be taken seriously.

Effectively handling sexual harassment complaints is fundamental because it indicates employers are serious about tackling sexual harassment,⁵⁸ and it can also mitigate the

52 National Academies of Sciences, Engineering, and Medicine (2018)

53 McCann (2005)

54 Ibid.

55 McDonald et al. (2014)

56 AHRC (2020)

57 Reese L.A. & Lindenberg, K. E. (2003). The importance of training on sexual harassment policy outcomes. *Review of Public Personnel Administration*, 23(3), 175-191.

58 Medeiros & Griffith (2019); Zelin & Magley (2020)

impact of experiencing sexual harassment on both employees and employers.⁵⁹ However, the poor, inappropriate, and at times aggressive responses that women who took part in the call for evidence faced point to the need for employers to improve their responses to sexual harassment.

When asked what would have improved their employer's response, overwhelmingly respondents wrote that their employer's response would have been improved if they had taken their report of sexual harassment seriously. Respondents wished their employer had believed them, spoken to them with respect and understanding, and offered sympathy.

- Respondents also recommended that employers offer short and long-term support to employees who experienced sexual harassment, such as an equity or equality officer or sexual harassment champion to provide tailored support and advice.
- Women wanted their employer to recognise the harm that sexual harassment can cause and act empathetically, rather than treating the case as a procedural matter. This could be as simple as a manager asking how they were doing and checking in with them in the following months.

Managers wrote that they would like to receive clear guidance and support from management and HR on how to handle sexual harassment reports. Some managers wrote that they currently feel that they are left to deal with reports on their own or make sense of complicated guidance. Managers wrote that they would like the guidance to include:

- Who to go to for support
- How to support the employee who made the report
- How to handle counterclaims
- How to prevent or address victimisation of the employee who made the report.

They would also like regular reminders to the key elements of their workplaces' process of handling sexual harassment. Managers also believed that there needs to be a human element to the response that recognises the long-term harm caused to the employee who was harassed and seeks to provide them with support.

- Finally, 73% of managers also said that they would feel more confident responding to a report of sexual harassment if they received guidance on what to do from other managers who had previously handled a report of sexual harassment.

When conducting a formal investigation, employers must take care to ensure that the employee who made the report feels supported throughout the process and are not removed from their role unless requested,⁶⁰ the report is investigated thoroughly and sensitively by impartial investigators who are trained in handling sexual harassment cases,⁶¹ everyone involved is given a chance to be heard,⁶² the investigation is conducted efficiently⁶³, and all details are kept confidential.⁶⁴

Once the investigation is complete and the report is found to be substantiated, proportional disciplinary measures should be taken.⁶⁵ This can range from a formal apology, to formal

59 Madera, J. M., (2017). When targets blame their organisation for sexual harassment: A multilevel investigation of within-person appraisals. *Cornell Hospitality Quarterly*, 59(1), pp.49-60; McDonald et al. (2014); Women and Equalities Select Committee (2018)

60 McDonald et al. (2014)

61 Campbell & Chinnery (2018)

62 McDonald et al. (2014); McCann (2005)

63 Women and Equalities Select Committee (2018)

64 Nelson, C.G., Halpert, J.A. & Cellar, D.F. (2007). Organizational responses for preventing and stopping sexual harassment: Effective deterrents or continued endurance? *Sex Roles*, 56, 811-822.

65 McCann (2005)

warning, to termination of employment.⁶⁶ When determining the appropriate sanction, employers should consider the severity of the harassing behaviour, the frequency of the behaviour, the power relationship between the employee who was harassed and harasser, and any past harassing behaviour by the perpetrator.⁶⁷ An appropriate sanction is one that is tough enough to indicate that sexual harassment is not acceptable.

What can employers do? *Employer responses to reports of sexual harassment*

Treat employees who make a report with respect and empathy. Managers and employees who receive a report of sexual harassment should listen respectfully and without judgement, recognising that the experience may have been traumatic. They should not try to explain the alleged harasser's actions or minimise the experience. Instead, they should listen to the employee's report and thank them for coming forward.

Provide information about next steps and ask the employee who made the report what they would like to do. The employee who experienced harassment should be given the choice on how to proceed without influence from their employer. Their employer should, however, provide full information about what each choice entails (i.e. how long the process will take and who will be involved) and what outcomes could result. Employees should be given time to make their decision and be given access to someone who can provide impartial support and advice, such as an anti-sexual harassment pioneers or an independent third-party.

Keep the report confidential. Only members of staff who absolutely must know about the report should be informed. The employee who made the report, the alleged harasser, and anyone else with knowledge of the report should be made aware that the information must be kept confidential.

Provide ongoing support to the employee who made a report. Employees who report an experience of sexual harassment should be regularly checked on, by an anti-sexual harassment pioneer if available, or by their manager, to see if they need extra support or if they have experienced any retaliation or victimisation.

Provide guidance and support to managers dealing with reports of sexual harassment. Managers should not be left to handle reports on their own. Managers should be provided with guidance that states how to support the employee who made a report, the processes to follow depending on whether the employee made an informal or formal report, how to handle counterclaims if they arise, how to prevent or address victimisation of employee who made the report, and who to go to if they need support.

Seek support from specialist organisations. Employers should seek support from the Advisory, Conciliation and Arbitration Service (ACAS) if they have any questions or are unclear on how to respond to a report of sexual harassment.⁶⁸

Set out a timeframe for investigations. The timeframe for investigations should be set out in the sexual harassment policy. It should be long enough to allow for a proper investigation but kept to a reasonable duration, recognising the stress of the investigation process for all involved. If the timeframe cannot be met, the employer should notify the employees and provide a new deadline.

66 National Academies of Sciences, Engineering, and Medicine (2018)

67 Zelin & Magley (2020)

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

Investigate the report thoroughly and fairly. Employers should select a person or group that that is trauma-informed and experienced in conducting sexual harassment investigations to carry out the process, and who is perceived by all employees as impartial. Both the employee who made the report and the alleged harasser should be given a chance to be heard, along with any witnesses available.

Recognise that incidents may involve both sexual harassment and racial harassment, or other forms of discrimination based on protected characteristics. When conducting investigations that involve women of colour, employers should not emphasise the racial or sexual element to the exclusion of the other. This also applies to investigations that involve women from other marginalised groups, including LGBTQ women, disabled women, and religious minorities.

Document all steps taken in the investigation. Investigators should document all steps taken in the investigation and cite all evidence available. A report should be written up outlining the investigation procedure and the reason for the conclusion.

Allow the employee who made the report continue to work normally. If they are able to do so, the employee who made the report should be able to continue to work as normal. If they work with the alleged harasser, the alleged harasser should be reassigned or suspended while the investigation is ongoing if this is what the reporting party needs.

If the report has been substantiated, discipline the harasser. The disciplinary action should be proportionate to the behaviour, ranging from a formal apology for minor incidents to dismissal in the case of major incidents.

Keep the employee who made the report updated on the investigation process and informed of the outcome. Employers should provide regular updates on the investigation process and let the employee who made the report know when a decision has been made. Unless there is a clear confidentiality reason not to, if the alleged harasser was found to be at fault, the employer should also let the employee know how they are being disciplined.

Be transparent about reports and investigations of sexual harassment. When possible to do without identifying any individual, employers should regularly (i.e. annually) publish data on how many reports of sexual harassment they received over the period, how many were investigated and the outcomes of the investigations.



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About Fawcett

The Fawcett Society is the UK's leading membership charity campaigning for gender equality and women's rights at work, at home and in public life. Our vision is a society in which women and girls in all their diversity are equal and truly free to fulfil their potential creating a stronger, happier, better future for us all.

Introduction

We often think of gender equality in the workplace in terms of securing equal pay for equal work and achieving equal representation of women and men in senior roles. These are all essential pillars of gender equality at work, but not the only ones. A truly gender equal workplace is one where women are safe and treated with respect and dignity. It is a workplace where a junior employee does not have to put up with her ‘handsy’ boss because ‘that’s just how he is’ or a senior woman does not have to endure jokes about who she slept with to get to the top.

Most current approaches to workplace sexual harassment are built around the premise of avoiding employer liability. This perception that sexual harassment is a liability issue to be solved is a consequence of the pervasive myth that that it is a harmless and innate feature of workplaces. Evidence shows that it is neither. Instead, employees who experienced sexual harassment have lower mental and physical health, job satisfaction, and organisational commitment compared to employees who have not, and have an increased likelihood of experiencing PTSD.¹

There is nothing natural about workplace sexual harassment. It is a consequence of power imbalances, organisational culture, passive leadership, and societal norms and beliefs about men and women – and differently positioned women.² Sexual harassment should be understood within the framework of violence against women and girls (VAWG); the misogynistic social norms, structures, attitudes, and practices that underpin violence against women and girls are the same factors that underpin sexual harassment.³ It also must be understood within the context of societal norms and structures that marginalise women of colour, disabled women, LGBTQ women, women on low incomes, women from minoritized religions and young women – meaning that because of the intersecting characteristics they hold, these women face increased risk and different forms of sexual harassment in the workplace.⁴

As a result of focusing on minimising legal risk, employers tend to take a reactive and compliance-driven approach to addressing workplace sexual harassment; they take little action until an incident arises and then respond to it in a way that minimises reputational damage.⁵ This places the burden on employees to report experiences of sexual harassment – a process that can be traumatic and place them in a vulnerable position.

1 Madera, J. M. (2017). When targets blame their organisation for sexual harassment: A multilevel investigation of within-person appraisals. *Cornell Hospitality Quarterly*, 59(1), 49-60; Willness, C., Steel, P. & Lee, K. (2007). A meta-analysis of the antecedents and consequences of workplace sexual harassment. *Personnel Psychology*, 60(1), 127-162

2 Equality and Human Rights Commission [EHRC]. (2018). [Turning the tables: Ending sexual harassment at work](#); McDonald, P., (2011) Workplace sexual harassment 30 years on: A review of the literature. *International Journal of Management Reviews*, 14(1), 1-17; TUC. (2016). [Still just a bit of banter? Sexual harassment in the workplace in 2016](#).

3 Australian Human Rights Commission [AHRC]. (2020). [Respect@Work: National inquiry into sexual harassment in Australian workplaces](#).

4 Buchanan, N. T. and West, C. M. (2009). Sexual harassment in the lives of Women of Colour. In N. E. Russo & H. Hope (Eds.), *Handbook of Diversity in Feminist Psychology* (474-501). New York: Springer Publishing Company.

5 AHRC (2020)

TACKLING SEXUAL HARASSMENT IN THE WORKPLACE

The UK Government intends to bring in new legislation on sexual harassment in the workplace for employers in Great Britain that will aim to ensure that employees are adequately protected and motivate employers to take action to prevent harassment. The legislation is set to include a new proactive duty on employers requiring them to take ‘all reasonable steps’ to prevent workplace sexual harassment, explicit protections for employees from harassment by third parties, with support for the Equality and Human Rights Commission to produce a statutory Code of Practice. The Government has also stated they will look to extend the time limit for bringing Equality Act 2010 based cases to the Employment Tribunal from three months to six months.⁶

This means it will become necessary for employers to take stronger and more proactive action on workplace sexual harassment. To do so, employers must understand what works to tackle sexual harassment. This report seeks to provide guidance to employers using three evidence sources: 1) a review of existing research to identify best practices in culture change efforts, sexual harassment policies, reporting processes, responses to reports of sexual harassment, and training on workplace sexual harassment; 2) a call for evidence with women who have experienced sexual harassment in the workplace; and 3) a survey with managers to understand what support they would like to be able to better handle cases of sexual harassment. Findings from the three sources are triangulated to produce recommendations for employers that will assist employers to meet legal requirements, by creating meaningful culture change that will address and challenge workplace sexual harassment.

The research and recommendations in this report are confined to what employers can do to tackle sexual harassment in the workplace; it does not include wider, but important, efforts by trade unions and governments. It also does not include research and recommendations around handling an employment tribunal case, as the legal specifics are beyond the scope of this report.⁷

6 Home Office. (2021). [Tackling violence against women and girls strategy](#).

7 For more guidance on employment tribunal claims see <https://www.acas.org.uk/making-a-claim-to-an-employment-tribunal>

Methodology

To understand what works to tackle sexual harassment in the workplace we used a mixed-methods research approach. The findings in this report combine three evidence sources. First, a literature review of existing literature on what works to tackle sexual harassment in the workplace. Second, a call for evidence with women who had experienced sexual harassment to understand not only what improvements they would like to see to employer's handling of sexual harassment, but also to understand how employers currently handle sexual harassment. Third, a survey with managers that revealed that despite best intentions, many managers do not feel equipped to handle cases of sexual harassment. An overview of each methodology is outlined below.

Literature review

The literature review was informed by the methodology and structure of a Rapid Evidence Assessment (REA). An REA is an approach for collating the available research evidence on a topic as comprehensively as possible quickly and efficiently.⁸ It involves searching, screening, and appraising available sources to identify the most salient literature and then analysing and synthesising data into key findings and conclusions. The process from searching to analysis is outlined below. An overview of the evidence base is also provided.

Literature search

Literature was identified through five routes:

1. Searches of an academic database (Business Source Complete, ERIC, Education Research Complete, and PsychINFO), returning 692 relevant sources (excluding duplicates). Appendix A lists the search terms used.
2. A search for grey literature using the term “sexual harassment guidance” in Google, returning 129 relevant sources.⁹
3. A search of “workplace sexual harassment” in Google Scholar, returning 150 relevant sources¹⁰
4. Partner and expert suggested sources, returning 59 relevant sources.
5. Forward and backward citation tracking of key sources, returning 33 sources.

In total, 1016 sources were identified (excluding duplicates).

8 Government Social Research Service. (2014). [Rapid evidence assessment toolkit index](#).

9 For efficiency, the first 15 pages of results were reviewed.

10 For efficiency, the first 15 page of results were reviewed.

Screening and prioritisation

We undertook a four-step screening and prioritisation process to identify the most relevant sources. First, all identified sources were screened at the title and abstract level according to inclusion and exclusion criteria. Table 1 outlines this criterion. As the goal of literature review was to gather the best available evidence to tackle workplace sexual harassment, and the wider goal of the research was to develop evidence-based recommendations, guidance documents that did not draw on research evidence were not included.

Table 1: Title and abstract inclusion and exclusion criterion

Methodology	<p>Include: Evidence reviews of best practice, experimental and quasi-experimental evaluations, quantitative studies, qualitative studies</p> <p>Exclude: Theoretical discussions, evidence reviews of prevalence, guidance documents not drawing on evidence</p>
Topic	<p>Include: Employer actions:</p> <ol style="list-style-type: none"> 1. Mechanisms for reporting 2. Disciplinary procedures 3. Sanctions and reparations 4. Preventative measures (training and culture change) <p>Exclude: Prevalence of sexual harassment, experiences of sexual harassment, employer/employee attitudes/awareness of sexual harassment</p>
Population	<p>Include: Employees (including contractors and volunteers) and employers</p> <p>Exclude: Students, general population</p>
Context	<p>Include: Workplace, work events</p> <p>Exclude: School residences/campuses (unless staff); public spaces</p>

After screening at the title and abstract level, 170 studies were retained. The abstracts of each study were reviewed once again and recent studies (2015 or later), studies set in the UK, studies covering more than one topic, studies with representative samples, and intersectional studies were prioritised for full-text screening (144 in total). To ensure inter-screener reliability, an abstract-level screening tool was developed. This (with an example study) can be found in Appendix B.

The remaining studies were screened at full text level for relevance and quality appraised. Studies were assessed (a score of low/medium/high) on their quality of execution, the appropriateness of the methodology for answering the research question, and the relevance of the findings to the review using the Weight of Evidence framework.¹¹ Studies that scored low and/or were irrelevant were excluded. To ensure inter-screener reliability, a full text screening tool and a full text screening guide outlining the criteria against which to screen studies and assess the quality of evidence was developed. An overview of the screening tool (with an example of a screened study) can be found in Appendix C and the guide can be found in Appendix D. After this process, 104 studies were prioritised for inclusion in the review, representing the best available evidence.

11 Gough, D. (2007). Weight of evidence: A framework for the appraisal of the quality and relevance of evidence. *Research Papers in Education*, 22(2), 213-218.

Data extraction and synthesis

The two final steps in the review were to: (1) extract all relevant results and (2) synthesise and compare each result to draw conclusions what works to tackle sexual harassment in the workplace. Three coders used a data extraction tool to record the key findings for each of the five areas of focus: 1) sexual harassment policies; 2) reporting; 3) responses to reports; 4) training and 5) culture change efforts. A written list of the categories used in the data extraction tool can be found in Appendix E.¹²

To synthesise and develop the findings outlined below, the results were sorted into the five topics and sub-themes within the topics. Within each topic and sub-theme, the results were then analysed and compared for similarities and differences. Based on the patterns emerging from this analysis, the results were further sorted into the themes, outlined in the findings. Throughout this process, the quality of the studies (particularly the sample size and sample characteristics) was taken into consideration.

Overview of the evidence base

The evidence included in the review comes from different sources that vary in the level of rigour and methods. Where possible, systematic reviews and studies with representative samples have been used but where high quality studies do not exist, less rigorous evidence reviews and small-scale studies have been included. However, the body of evidence on what works to tackle sexual harassment is lacking because there are few studies that use rigorous methodology (randomised controlled trials and meta-analyses). This conclusion mirrors the conclusion reached by the Government Equalities Office (GEO) in their recent literature review on sexual harassment in the workplace.¹³ As a result, this review identifies what is likely and where more research is needed to reach a conclusion.

Throughout the report, additional studies have been referenced to provide additional context.

Call for evidence

Following the literature review, we conducted a call for evidence with women who had experienced sexual harassment in the workplace. The aim of the call for evidence was to hear from women who have experienced workplace sexual harassment about how their employer responded, what they thought about the response, and what they would like to see employers do to address sexual harassment in the workplace.

Topic coverage

The questions were informed by the findings of the literature review and covered:

- The process of making a sexual harassment report
- What happened after the report was made
- What employer responses worked well
- What employer responses worked poorly
- What employers could do to support employees who have experienced workplace sexual harassment

12 The tool was developed in Excel. However due to the number of categories, a written list has been provided for ease of reading.

13 Adams, L., Hilger, L., Moselen, E., Morrice, N., Gooding, O., Karadia, A. (2021). [Literature review of sexual harassment in the workplace](#). Government Equalities Office.

Respondents were not asked to recount the details of their experience of sexual harassment because this could be traumatic, and the focus of research was on their employer's response.

Fieldwork

The call for evidence was run from January-February 2021 through SmartSurvey, an online survey instrument. Respondents were recruited through social media channels and stakeholder networks. To be eligible to take part, respondents needed to be a woman and have an experience of sexual harassment in the workplace. Respondents with more than one experience were asked to focus on one experience when answering the call.

Respondents

In total, 382 people responded to the call. Men (2) and those who had not experienced workplace sexual harassment (90) were removed from the sample, leaving 290 respondents remaining. Appendix F provides an overview of the characteristics of the respondents. As respondents self-selected to take part, the sample is not representative (with an overrepresentation of white and non-disabled women), and the results cannot be generalised beyond the sample. However, the evidence gathered does provide rich detail on the different experiences of women in the workplace.

Analysis

The call for evidence consisted of a mixture of closed (multiple-choice) and open questions (written responses). The closed questions have been analysed quantitatively, with the percentage of respondents who indicated each answer reported. The open questions have been analysed qualitatively guided by the methodological approach of Framework analysis.¹⁴ Key topics emerging from the data were identified through familiarisation with the written responses. An analytical framework was drawn up and a series of matrices set-up, each relating to a different thematic issue. The columns in each matrix represented the key sub-themes or topics and the rows represented individual responses. Data was summarised and categorised systematically by theme. The final analytic stage involved drawing out the range of experiences and views from the charted data and identifying similarities and differences. It is important to note that qualitative data analysis is not focused on the number of people or settings who hold a particular view; instead, it thematically considers the range of perspectives. In line with good practice in qualitative reporting¹⁵, the number of respondents who shared an experience or agreed on an idea or suggestion is not reported; each response is given equal weighting.

Amplifying women's voices

We are grateful for each respondent who took the time to share their story with us and have sought to centre their voices in the report. Throughout the report, we have included direct quotes from the women who responded to the call for evidence. Survivor's Voices, in partnership with King's College London and the Wellcome Foundation, has developed a Charter for Engaging Abuse Survivors.¹⁶ The third principle of the Charter is "Amplifying the voices of survivors" and states that research should amplify survivors' voices, experiences

14 Ritchie, J., Kewis, J., McNaughton Nicholls, C., Ormston, R. (2013). *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. Sage Publications: London.

15 Maxwell, J. (2010). Using numbers in qualitative research. *Qualitative Inquiry*, 16(6), 475-482.

16 Perôt, C., Chevoux, J., & Survivors' Voices Research Group. (2018). [Turning pain into power: A charter for organisations engaging abuse survivors in projects, research and service development](#). Survivors Voices, King's College London, and Wellcome Trust.

and expertise.¹⁷ We have sought to do so by including quotes that exemplify key themes and experiences of the women heard from. From an intersectional feminist perspective, this is important to do so as not to perpetuate the conception of women who have been sexually harassed as “other.”¹⁸

Manager survey

Despite being the first port of call in many cases of sexual harassment, there is little research on the experiences and opinions of managers around dealing with sexual harassment in the workplace. As managers are on the frontline in terms of receiving and responding to reports of sexual harassment, it is important to gather their views so that interventions and actions to tackle sexual harassment are valuable and acceptable to them. To do this, we conducted a survey with managers to gather data from managers about current workplace practices in responding to employee sexual harassment and what tools and resources would help them to better respond.

Topic coverage

The questions were informed by the findings of the literature review and covered:

- Experience of and confidence in responding to reports of sexual harassment
- Likely response if an employee reported experiencing sexual harassment
- Support desired to respond to reports of sexual harassment

Respondents were not asked about any real cases of sexual harassment.

Fieldwork

The call for evidence was run from February-March 2021 through SmartSurvey, an online survey instrument. The survey was distributed to members of the Chartered Management Institute (CMI), the standard-bearer for the profession of management. To be eligible to take part, respondents needed to be a manager with responsibilities for managing at least one person.

Respondents

In total, 264 people responded to the survey. Non-people-managers (22) and those who did not respond in full (6) were removed from the sample, leaving 236 respondents remaining (88 women and 144 men). Appendix G provides an overview of the characteristics of the respondents. As respondents self-selected to take part, and become members of CMI, the sample is not representative, and the results cannot be generalised beyond the sample. However, the evidence gathered does provide useful insight into the perspective of managers.

Analysis

Analysis of the data gathered in the managers survey was conducted in the same manner as the call for evidence data, with the closed questions analysed quantitatively and the open questions analysed qualitatively guided by the methodological approach of Framework analysis.¹⁹ The same approach to reporting the written responses to the call for evidence –

17 Due to the varied nature of sexual harassment, some respondents may identify as survivors, while others may not. To ensure care is taken for those that do, we have applied this principle to all respondents.

18 Montoya, C. & Rolandsen Agustin, L. (2013). The othering of domestic violence: The EU and cultural framings of violence against women. *Social Politics: International Studies in Gender, State & Society*, 20(4), 534-557.

19 Ritchie et al. (2013)

thematically considering the range of perspectives – has been taken to report the written responses to the manager survey.

Report structure

Part one of the report brings the existing research together with the findings from the call for evidence and literature review to provide an overview of the current state of sexual harassment in the workplace.

Part 2 outlines what employers can do to tackle sexual harassment. Each section within part 2 first presents ‘what the literature says,’ outlining the findings from the literature review, then presents ‘what women say,’ drawing results from the call for evidence, followed by ‘what managers say,’ highlighting suggestions from respondents to the manager survey.



PART 1

**The current
picture in the
workplace**

1.1: Current prevalence and prevention of sexual harassment

What is sexual harassment?

Sexual harassment is the name that has been used popularly since the 1970s to describe:

a range of unwanted, sexist and or sexual intrusions that women and girls experience in their lives beyond the home, often done to them by men and boys, which is a product of sexism and which contributes to maintaining the unequal structural power relationships between men and women in society.

In any analysis of gender inequality, sexual harassment plays a part, and vice versa. In any vision for a gender equal society, sexual harassment has to be eliminated. It is recognised under multiple international agreements and laws as sex discrimination.²⁰ Sexual harassment is a consequence of power imbalances, organisational culture, passive leadership, and societal norms and beliefs about men and women.²¹ Sexual harassment should be understood within the framework of violence against women and girls (VAWG). Rather than an individual act of workplace misconduct, workplace sexual harassment is a form of gendered violence against women and girls. The misogynistic social norms, structures, attitudes, and practices that underpin violence against women and girls are the same factors that underpin sexual harassment.²²

However, the experience of sexual harassment is not the same for different women. For women from marginalised groups, sexual harassment occurs because of multiple forms of oppression. In addition to misogyny and patriarchal norms, sexual harassment can also be the result of beliefs, norms, systems, and structures that favour white, able-bodied, straight men. In this context marginalised women, including women of colour, LGBTQ women, disabled women face multiple forms of discrimination that cannot be disentangled. As Marai Larasi writes “woman is not homogenous.”²³ Differently positioned women are valued differently. Larasi explains:

“For in a world where all women’s lives have less value than the lives of powerful white men, which lives are least valuable? Which girls are simply embodied or disembodied collateral damage not only for violent men, and for the mainstream media, but even for some of our feminist “sisters”? Which women’s bodies are inscribed as disposable? We know which bodies. They are Black, brown, disabled, working- class, “lower” caste, queer, lesbian and trans. They are bodies seeking refuge in the very countries that helped to orchestrate the destruction of their homelands.”²⁴

As a result, any consideration of sexual harassment must be done through an intersectional lens that recognises how differ forms of marginalisation and discrimination – racism, homophobia and transphobia, ableism, classism, ageism, religious intolerance – in addition to sexism, impact women in society, and in the workplace in particular.

20 Women and Equalities Select Committee Report. (2018). [Sexual harassment in the workplace](#).

21 EHRC (2018); McDonald (2011); TUC (2016)

22 AHRC (2020)

23 Larasi, M. (2020). Black Women, #MeToo and resisting plantation feminism. In G. Chandra & I. Erlingsdóttir (Eds.), *The Routledge Handbook of the Politics of the #MeToo Movement (199-220)*. New York: Routledge, p. 234

24 Larasi, M. (2020), p.234

Sexual harassment in the workplace context

Sexual harassment is also the technical name for a more tightly defined range of behaviours affecting workers in situations that are connected with their work and which, in those circumstances, are unlawful under the Equality Act 2010 in Great Britain²⁵ and the similarly worded Sex Discrimination (NI) Order 1976 (as amended) in Northern Ireland.²⁶

The fact that it is unlawful means that employers must act to prevent and address it, including:

- having effective and well-publicised policies and procedures to deal with sexual harassment at work
- providing training
- assessing risks.

Currently, employers can also be liable under Health and Safety legislation when ‘third parties’ such as members of the public are physically or verbally abusive in a way which harms their workers and there were foreseeable risks.²⁷ A heightened risk that women will be sexually harassed in certain situations is predictable: because there is informative research available (see below); and because employers should, anyway, be conducting risk assessments.

Sexual harassment at work: The Equality Act 2010 (Great Britain)

The definition of harassment of all kinds in the workplace is behaviour that is:

- Unwanted

And has the purpose or effect of:

- Violating the worker’s dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker.

Such harassment is unlawful if it is related to any of the relevant ‘protected characteristics’ in law of: age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation. Harassment that is misogynist or sexist (something that is done to a person because of their sex), is therefore unlawful “harassment related to sex” and that is how it is technically described.

There is also an unlawful type of harassment that is separately defined as being “of a sexual nature” such as:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person’s private or sex life or a person discussing their own sex life
- sexual posts or contact on social media

25 We can only provide a brief summary here; detailed technical guidance for employers has been published by: Equality and Human Rights Commission [EHRC]. (2020). [Sexual harassment at work: Technical guidance](#).

26 Equality Commission for Northern Ireland. (2006). [Harassment and Bullying in the workplace](#).

27 The UK Government announced in July 2021 that it will introduce explicit protections from third-party harassment in upcoming changes to protection against workplace harassment: Government Equalities Office. (2021). [Consultation on sexual harassment in the workplace: Government response](#).

- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- unwelcome touching, hugging, massaging or kissing²⁸

This harassment of a sexual nature is what is normally meant when lawyers describe “sexual harassment” in the workplace. It is not always motivated by sexual entitlement; harassment of a sexual nature can be used to humiliate or belittle people with the goal being to ‘put them in their place’ or create entertainment for others. Regardless of motivation, it can cause harm to the people on the receiving end and that is why it is unlawful.

It is also unlawful to victimise or treat people badly because they have submitted to, or rejected, harassment²⁹ or because they have reported, or intend to report it. Often, harassment that is of a sexual nature accompanies or is – at the same time – harassment related to sex or to other characteristics such as gender reassignment or race.

Unwanted sexist or sexual attention can have a negative impact on anyone – whoever is responsible for it, and whoever the target is. In this report we concern ourselves particularly with addressing sexual harassment through a gender equality lens and so the main focus will be on the sexual harassment of women in the workplace and the impact this has on women’s rights.³⁰ That is not to minimise or dismiss the impact that sexual harassment can have on all the people who experience it.

How common is sexual harassment?

Sexual harassment is very common in UK workplaces. It is also common for it to be normalised (seen as acceptable), which means that often the people being harassed do not know they have the right to demand that it stops, or the right to report it.³¹ They also – quite rationally – can fear that if they did report it, they would be treated badly (victimised) by others in the workplace as a result.³² Employers who keep a list of formal reports that have been made about sexual harassment should never confuse having this information with finding out how much sexual harassment is actually happening; a nationally representative survey for the Government Equalities Office (GEO) found only 15% of those who had been sexually harassed at work formally reported it to their employer.³³ The threshold for a woman to move from ‘putting up with’ sexual harassment to reporting it can be very high, which means that often only the most extreme and serious forms (for example, serious sexual assault) are those that are reported. This can lead employers to only focus on strategies to prevent sexual assault without also focussing on preventing all forms of sexual harassment including the unlawful ‘banter’ and everyday offensive behaviour that support sexism and create the context for the major offences.

There are no national or internationally agreed ways to measure sexual harassment at work, although large scale surveys such as the Australian national survey (AHRC, 2020) are helpful because of their robust methodology. In the UK, we do not have a recognised survey

28 *Equality Act 2010* (Great Britain).

29 Of a sexual nature, or related to sex or to gender reassignment

30 It is important to note that in the majority of workplace sexual harassment cases, the common denominator is men’s violence; women are more likely to be targets of workplace sexual harassment and men are more likely to commit it, towards both women and other men: Adams, L., et al. (2021)

31 For example in a recent survey for Welsh Women’s Aid, women were more likely to report experiencing behaviour that is objectively sexual harassment in law, than to recognise and state that they had experienced it, when asked. This means they were unsure or unaware that their experiences constituted sexual harassment: Welsh Women’s Aid. (2021). [No grey area: Experiences of workplace sexual harassment.](#)

32 See for example: Young Women’s Trust. (2019). [Young women demand urgent action on sexual harassment](#); EHRC (2018)

33 Adams et al. (2021). [2020 Sexual Harassment Survey – Government Equalities Office.](#)

methodology³⁴ but there have been numerous reports, polls and surveys in recent years that, taken together, build a picture:

- The nationally representative survey commissioned by GEO found 29% of workers had been sexually harassed at work in the past 12 months. Slightly more women (30%) reported recent workplace sexual harassment than men (27%), with different forms of sexual harassment varying by gender.³⁵
- A poll of British women for the TUC found that half had been sexually harassed at work over the course of their working lives.³⁶
- A representative poll of British adults found that 40% of women had been sexually harassed at work ever, including 10% of women in the last year alone.³⁷
- A survey by Welsh Women's Aid found that 80% of women in Wales had been sexually harassed at work over the course of their working lives.³⁸

Inappropriate and offensive comments are more common than unwanted touching. Unwanted sexual touching, or assault, is less common but still by no means rare. The vast majority of perpetrators of sexual harassment are male.³⁹

- In a poll of 2,000 women conducted for Slater Gordon Law, 16% of women experienced suggestive or inappropriate comments or behaviour; 11% experienced sexually explicit or sexist behaviour and 6% had been groped⁴⁰
- In the TUC research, 35% of women heard comments of a sexual nature being made about other women in the workplace; 32% had been subjected to unwelcome jokes of a sexual nature; 28% had been subjected to comments of a sexual nature about their body or clothes; nearly a quarter (23%) of women had experienced unwanted touching – around one in eight (12%) had experienced unwanted sexual touching or attempts to kiss them. One fifth of women had experienced unwanted sexual advances.⁴¹
- From the research by ComRes for BBC, in the previous 12 months alone, 1% of women had experienced displays of pornographic or sexually offensive materials that made them feel uncomfortable. As well, 4% had received unwelcome verbal sexual advances; 4% had experienced unwanted touching such as a hand on the knee; 2% had experienced sexual assault; and 3% of women said they had ever experienced serious sexual assault or rape at work.⁴²

34 The survey by the GEO is a big step forward because its size and sampling techniques allow for robust statistical analysis including intersectional analysis. However, the methodology and question design will require further refinement and it would be helpful in future to record lifetime experience of workplace sexual harassment for comparison with other surveys.

35 Adams et al. (2021)

36 TUC (2016)

37 BBC & ComRes. (2017). [Sexual harassment in the workplace](#).

38 Welsh Women's Aid (2021)

39 TUC (2016); Women and Equalities Committee (2018); Adams et al. (GEO) (2021)

40 Slater and Gordon. (2018). [One in four women still have a 'Weinstein' in their workplace](#). HR News.

41 TUC (2016)

42 BBC & ComRes (2017)

Sexual harassment and working from home

There has been no nationally representative data collected on the impact of the huge rise in employees working from home due to the coronavirus pandemic on workplace sexual harassment. However, an online survey by Rights of Women conducted with women in England and Wales found that online sexual harassment while working increased over 2020:

- Four in nine (45%) women who were sexually harassed at work reported experiencing that harassment online through sexual messages, cyber harassment and sexual calls.
- Over one in five (23%) women who had been sexually harassed said the harassment increased or escalated since the start of the pandemic while they were working from home.⁴³
- It is possible that for some who were being sexually harassed in the office, switching to working from home has meant that the harassment stopped because they are not in the same environment as the harasser.⁴⁴ But for others, the harassment may have simply just moved online – or sexual harassment may have started for the first time, because harassers believe they can say or do anything online without being caught. Women have reported that harassers have found their personal phone numbers or turned up outside their homes.⁴⁵ There have also been reports of male managers telling women to attend video calls wearing more make-up and “sexier” clothing.⁴⁶

Sexual advances or inappropriate comments have more room to hide in online platforms because they may be on a channel that is not monitored by the organisation.⁴⁷ Fewer opportunities to observe inappropriate behaviour makes it more difficult for managers to intervene early on.⁴⁸ In addition to this, informal communication between employees and managers is likely to be more infrequent whilst working from home. Intermittent access to support networks leads to a higher risk of harassment taking place and going undetected for longer periods.⁴⁹



43 Rights of Women. (2021). [Rights of women survey reveals online sexual harassment has increased, as women continue to suffer sexual harassment whilst working through the Covid-19 pandemic.](#)

44 Ravindran, S. & Shah, M. (2020). [Unintended Consequences of Lockdowns: COVID-19 and the Shadow Pandemic.](#) NBER Working Paper No. 2756

45 Norris, S. & Torrisi, C. (2020). [COVID-19 hasn't killed sexual harassment at work – it's just moved online.](#) OpenDemocracy.

46 Norris & Torrisi (2020)

47 Swirling, R. (2020). [Sexual Harassment Still Happens When You Work from Home During a Pandemic.](#) The Startup.

48 Patty, A. (2020). [Working from home can stifle sexual harassment complaints.](#) The Sydney Morning Herald.

49 Patty (2020).

It is thought to be easier for the harasser to retaliate online because their behaviour is less likely to be witnessed by colleagues.⁵⁰ Women have reported being excluded from meetings and bullied over video calls.⁵¹ Fear of retaliation, as well as worries about job security amid economic turbulence, make it harder for victims to report harassment.⁵²

Different women experience different rates and forms of harassment

Sexual harassment is targeted disproportionately at young women, sexual and gender minorities, disabled women, and women who are marginalised and disadvantaged because of socially constructed hierarchies that not only privilege men over women, but white, straight, able-bodied men and women over others.⁵³ For example:

- A poll of 2,003 disabled people, including 1162 disabled women, for the TUC found that almost seven in ten (68%) reported being sexually harassed at work, compared to 52% of women in general. In addition over half (54%) had experienced two or more types of sexual harassment at work and four in nine (45%) had experienced three or more.⁵⁴ The Government Equalities Office (GEO) survey also found significantly higher incidence of sexual harassment among workers with a disability.⁵⁵
- The GEO survey found ethnic minority workers (women and men) experienced higher rates (32%) of sexual harassment than white workers (28%) or white women (30%) in the last 12 months.⁵⁶ Although the GEO data does not disaggregate further by ethnic minority groups in the workplace, the wider survey data (sexual harassment of all kinds) found that people from Mixed and Black ethnic minorities were the most likely to experience sexual harassment over their lifetime.⁵⁷ Research in the United States has found mixed results between the rates of sexual harassment among women of colour and white women, due to the difference in research methodologies. However, there is clear evidence that women of colour face different forms of sexual harassment. For example, a study of US military women found that Black women experienced higher rates of unwanted sexual attention and sexual coercion compared to white women.⁵⁸
- A TUC poll of LGBT workers found that 68% had experienced some form of harassment in the workplace. Of the 50 transwomen who responded to the survey, 32% reported being sexually assaulted and 22% had experienced serious sexual assault or rape. Other findings among the LGBT+ workers in this research point to how multiple and intersecting characteristics compound risk and harm from sexual harassment: 45% of the Black and minority ethnic LBT women reported sexual assault at work versus 18% of the white women, and disabled LBT women experienced up to and above twice as much sexual harassment as non-disabled women.⁵⁹ The GEO survey found a higher incidence of sexual harassment among LGB workers and found that 71% of transgender women and 72% of transgender men reported sexual harassment in the past 12 months.⁶⁰

50 Ollo-Lopez, A. & Nunez, I. (2018). Exploring the organizational drivers of sexual harassment: Empowered jobs against isolation and tolerant climates. *Employee Relations*, 40(2).

51 Martinuzzi, E. (2020). [As Work Has Moved Home, So Has Harassment](#). Bloomberg Opinion.

52 Norris, S. and Torrisi, C. (2020)

53 Buchanan, N. T. (2005). The nexus of race and gender domination: The racialised sexual harassment of African American women. In P. Morgan & J. Gruber (Eds.), *In the Comparison of Men: Re-discovering the Links between Sexual Harassment and Male Domination* (294-320). Boston: Northeastern University Press.

54 TUC. (2021). [Sexual harassment of disabled women in the workplace](#).

55 Adams et al. (2021). [2020 Sexual Harassment Survey](#): Government Equalities Office. (p70)

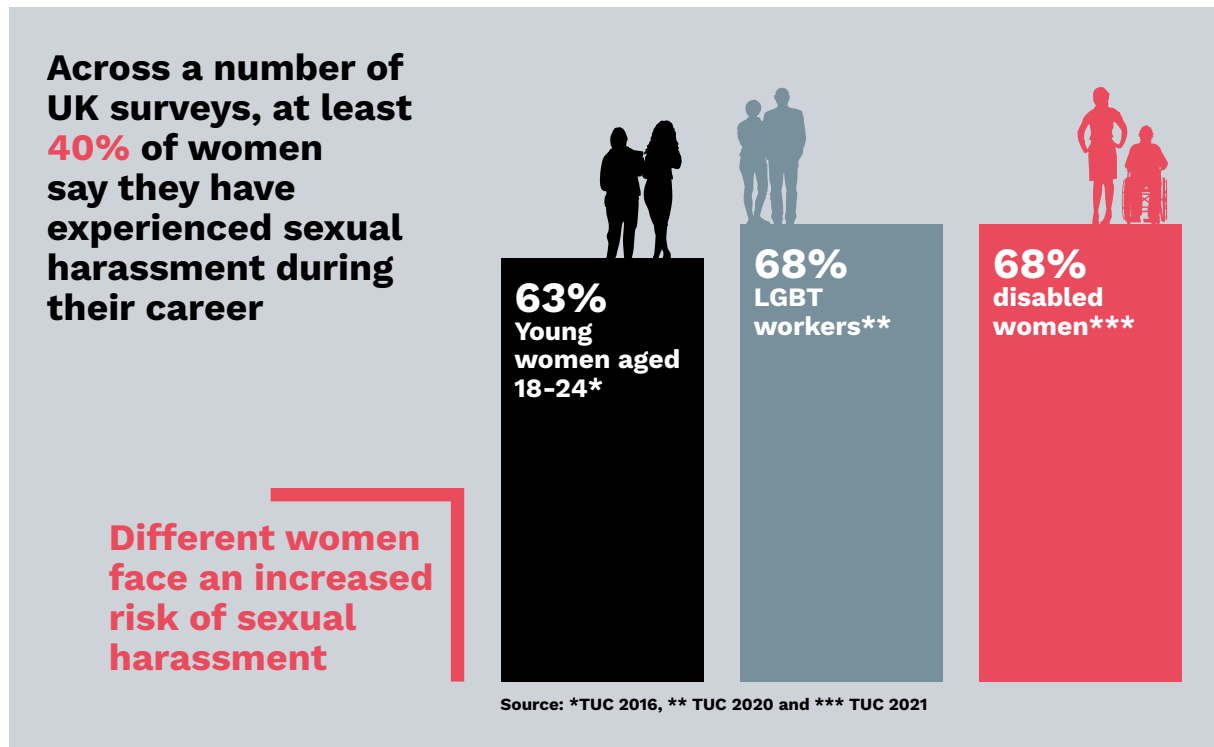
56 Adams et al. (2021). (p112)

57 Adams et al. (2021). (p41)

58 Buchanan & West (2009)

59 TUC. (2019). [Sexual harassment of LGBT people in the workplace: A TUC report](#).

60 Adams et al. (2021). [2020 Sexual Harassment Survey](#): Government Equalities Office. (p70; p112)



Women with intersecting protected characteristics can be both an ‘easier target’ because they have less power than others and also a more likely target because of social prejudice and stereotypes, as well as perception that their success in the workplace threatens the current social order.⁶¹

Exploring the impact of race on sexual harassment, Buchanan’s concept of racialised sexual harassment explains how the intersecting discrimination of race and gender – and often social class – compounds to create a specific form of sexual harassment experienced by women of colour in the workplace.⁶² For example, Black women may be told they are ‘exotic’ or be asked by a colleague if they are a ‘slave to sex’. Due to racial and gender oppression, Black women received sexual harassment that is racially charged and underpinned by stereotypes – that are a legacy of slavery – of Black women as hypersexual and aggressive. Buchanan writes that when Black women were enslaved, they were servants to white men and women, and because this relationship of subordination continues to define the roles and expectations society holds for Black women, racialised sexual harassment continues. Black women who are able to overcome substantial barriers to become leaders in the workplace are not spared, but instead can be subject to ‘contrapower’ harassment in which men in lower status positions attempt to reassert their dominance through sexual harassment.⁶³

For Asian women, stereotypes of Asian women as exotic geishas, sex workers, and mail-order brides who are submissive and dedicated to caring for male members of their family result in expectations that they will be passive to workplace sexual harassment. This can contribute to increased likelihood of harassment and retaliation if men’s advances are rebuffed.⁶⁴

In the call for evidence, women of colour wrote about their experiences of racialised sexual harassment:

61 Brassel, S. T., Davis, T. M., Jones, M., K., Miller-Tejada, S., Thorne, K., M. & Areguin, M. A. (2020). The importance of intersectionality for research on the sexual harassment of Black queer women at work. *Translational Issues in Psychological Science*, 6(4), 383-391; Minnotte, K. L. & Legerski, E. M. (2019). Sexual harassment in contemporary workplaces: Contextualizing structural vulnerabilities. *Sociology Compass*, 13(12), e12755.

62 Buchanan et al. (2009)

63 Buchanan (2005)

64 Buchanan et al. (2009)

“Being Latina means that there’s a perception that I’m all up for being sexually harassed and that it’s in my nature to take it without protesting.” Woman in the private sector

“[My] Harasser liked women from Black-white backgrounds. [He] used sexual racism language “brown sugar” as well as physical action.” Woman in the public sector

“The stereotyping of women with East Asian heritage as submissive!! In my case, the harasser knows I am nothing but submissive, and that did not stop him, if he still think he can take advantage of me and get away with it, what would he do on other people?”
Woman in the private sector

The desire to enforce role expectations may also explain why LGBTQ employees experience harassment at different rates. Gender policing is an established reason why people commit sexual harassment; by sexually harassing someone who defies gender norms, harassers believe that they can enforce ‘traditional’ gender roles of male dominance and female submissiveness. This can apply to women in positions of power, as well as LGBTQ employees. The risk of experiencing gender policing motivated sexual harassment is acute for transgender employees who defy the traditional belief that gender is unchangeable, gay men who are perceived as feminine and lesbian women who are perceived as masculine.⁶⁵ In qualitative research, the TUC found that lesbian and bisexual women had experienced sexual harassment in the form of threats of sexual assault or rape to “cure” them of their sexual orientation, known as “corrective rape.”⁶⁶

Respondents to the call for evidence who identified as LGBTQ reported similar experiences, as well an assumption that it is more acceptable to harass LGBTQ women:

“Because I’m an Ace [asexual] he thought he would be the one to show that was not true!” Woman in the private sector

“Many of the comments related to lesbian porn, being able to turn lesbians straight, asking questions/comments about my sex life.” Woman in the private sector

“The myth around being bisexual is that you are “up for it” with anyone. I am a very sexual and flirtatious person...So I was made to feel I deserved the unwanted attention, the idea being if I was generally quite open about my sexuality, I couldn’t “arbitrarily” refuse someone or complain when they did something inappropriate.” Woman in the private sector

“As a lesbian, when I tell people I was sexually harassed by a straight man at work, they often laugh. They think it’s funny that the guy didn’t “get the hint”, as if the harassment would have been more acceptable or less upsetting if I was straight.” Woman in the private sector

In a study of 270 college students in the United States, Brassel, Settles and Buchanan found evidence that sexual harassment of LGBTQ employees may be minimised. Participants were asked to read a vignette and indicate the motivations behind an incident of sexual harassment and the acceptability of the incident. Sexual harassment of trans employees was perceived as more likely to be motivated by gender policing but participants did not perceive gender policing to be harmful or unacceptable. As well, sexual harassment of lesbian and gay employees was most often perceived as a result of sexual attraction, rather than prejudice or

65 Brassel, S. T., Settles, I. H., & Buchanan, N. T. (2019). Lay (mis)perceptions of sexual harassment towards transgender, lesbian, and gay employees. *Sex Roles*, 80, 76-90.

66 TUC (2021)

gender policing, indicating that incidents that are not the result of sexual attraction may be discounted.⁶⁷

For disabled women in the workplace, the marginalisation of disabled women in our society puts them at greater risk of experiencing sexual harassment. Due to the uneven power relationship disabled women are put in and the high levels of discrimination they face, disabled women in the UK are at higher risk of all forms of violence and abuse from carers, partners, and people in the community. There is little research on the experience of sexual harassment of disabled women in the workplace beyond the TUC survey that found that disabled women experience higher rates of workplace sexual harassment compared to disabled men and non-disabled women and men,⁶⁸ while the GEO survey found the highest rates of all these groups among men with a high impact disability in the workplace (48%).⁶⁹ More research, including qualitative research, is needed. Research on the experiences of sexual harassment of disabled women across different parts of their lives explains that ableism produces systems and norms that assume able-bodiedness and label disabled bodies as abnormal, sick, unnecessary, and inconvenient. As a result, the type of sexual harassment disabled women experience is different from non-disabled women in that it often comes in the form of desexualisation where disabled women experience sexual rejection or humiliation.⁷⁰

One disabled woman who responded to the call for evidence described how her harasser used her disability to keep her from reporting the harassment:

“My dyslexia was used against me by my boss, the harasser to make me out to be an idiot. He gas-lighted me, my work and my responses to such a degree that I was left utterly powerless and felt that nobody believed me.” *Woman in the private sector*

Respondents to the call for evidence also reflected on how the multiple intersecting characteristics they hold impacted their experience of sexual harassment:

“I believe I was harassed indirectly because I’m disabled and a lesbian. My disabilities mean I now work at a junior grade... Being junior itself makes you vulnerable. Being disabled makes you more so... Being a lesbian made me an activist from my youth and I know quite a bit about queer politics. The harasser sees himself as cool. By being a lesbian and knowledgeable, I may unwittingly have out-cooled him.” *Woman in the public sector*

“My colleague found out from someone I used to call a friend that I was bisexual and he decided that he could bully me because of this. My deafness was used against me during the investigation.” *Woman in the third sector*

Reflecting on the use of her movement as a hashtag taken up by wealthy white actresses, Tarana Burke, founder of MeToo⁷¹ wrote: “What history has shown us time and again is that if marginalised voices – those of people of colour, queer people, disabled people, poor people – aren’t centred in our movements then they tend to become no more than a footnote.”⁷² When taking action on workplace sexual harassment, the experiences of differently positioned women cannot be ignored. Instead, an intersectional approach that recognises the different

67 Brassel et al. (2019)

68 TUC (2021)

69 Adams et al. (2021). [2020 Sexual Harassment Survey](#): Government Equalities Office (p112)

70 Haraldsdóttir, F. (2020). Being a disabled feminist killjoy in a feminist movement. In G. Chandra & I. Erlingsdóttir (Eds.), *The Routledge Handbook of the Politics of the #MeToo Movement* (199–220). New York: Routledge

71 Tarana Burke founded MeToo in 2006 to help women of colour who had experienced sexual violence heal. The hashtag #MeToo was used in 2017 in relation to the allegations about Harvey Weinstein, with Burke’s contribution and work initially erased: Larasi, M. (2020)

72 Burke, T. (2017). [#MeToo Was Started for Black and Brown Women and Girls. They’re Still Being Ignored](#), *Washington Post*, 10 November 2017.

stereotypes, cultural norms, and gender roles that differently positioned women face must be at the centre of the effort.⁷³

Young women, women in insecure work, male-dominated environments and customer-facing roles are more at risk

Sexual harassment is disproportionately targeted at the most vulnerable workers, with those in already marginalised positions because of their background and personal characteristics the most at risk.⁷⁴ Young women are often targeted because of their lack of power in the workplace. In their poll, the TUC found that 63% of young women had experienced sexual harassment compared with the average of 52% across women of all ages.⁷⁵ As well, the BBC ComRes survey found that young women aged 18-24 were most likely to have experienced sexual harassment in the last year (30%) compared to 16% of those aged 25-34, 9% of 35-54-year-olds and 2% of those over 55.⁷⁶ The GEO Survey found similar age-related patterns and also found that 56% of interns and people undertaking work experience reported experiencing sexual harassment in the past 12 months as did 45% of apprentices or trainees.⁷⁷

Those with insecure or precarious employment status, who are less protected by the law and more dependent on ‘goodwill’ for their next work opportunity, are far more at risk. In the BBC ComRes poll (2017), while 41% of all women had experienced sexual harassment, this rose to 49% of those on zero hours contracts or working in the gig economy, and 56% of women in flexible working roles. While 3% of all women had experienced rape or serious sexual assault at work, this figure was 9% for women in the gig economy – who were also far more likely (13%) to have been propositioned with the suggestion of career advancement for sexual favours than women in general (4%).⁷⁸

Occupations which are heavily male-dominated or where workers are exposed to male ‘third parties’ (customers) also carry a higher risk for women who work in them: In the BBC ComRes survey (2017), 56% of women working in the hospitality industry experienced sexual harassment, as did 47% in the services industry. One in ten (10%) of women in hospitality had been propositioned for sexual favours for career advancement, as had 11% of women working in the tech and telecoms sectors.⁷⁹ A survey by UNISON and the Nursing Times found that six in ten nurses had been sexually harassed, and patients were the perpetrators in the majority (58%) of cases.⁸⁰

Women who responded to the call for evidence detailed how their experience of being young, in an insecure position, and/or working in a male or customer facing environment impacted their experience of workplace sexual harassment:

“I was a woman in a male workplace. I was incessantly sexualized in my workplace.”
Woman in the private sector

“I am from a working-class background. My harasser made several disparaging comments about my class as he had been to public school and felt he should have been selected for my role.” **Woman in the public sector**

73 Buchanan et al. (2009)

74 Ibid.

75 TUC (2016)

76 BBC & ComRes (2017)

77 Adams et al. (2021). [2020 Sexual Harassment Survey](#): Government Equalities Office. (p71)

78 BBC & ComRes (2017).

79 Ibid.

80 Mitchell. (2021). [Exclusive: Survey reveals majority of nurses have experienced sexual harassment](#). *Nursing Times*.

“I was 18 to 23 when I worked in the hospitality industry. I was also told by employers that they had employed me because of the way I looked, i.e. pretty, young, naive, fashionable etc. Even the fact this was taken into consideration tells me that I was employed to be treated as ‘eye candy’ so that male customers and staff alike could treat me as they pleased.” Woman in the private sector

Current approaches to prevent sexual harassment are not effective

Sexual harassment has been on employers’ agendas for decades and has received increased attention since the #MeToo movement. However, current approaches to prevent workplace sexual harassment are not effective at changing the culture of workplaces because most are based on what employers should do to avoid or minimise liability.⁸¹ For example, Sherwyn reviews sexual harassment case law to advise hospitality employers on how to win sexual harassment jury trials,⁸² and Dwoskin and Squire draw on their legal experience to advise employers how to conduct sexual harassment workplace investigations that will absolve employers of responsibility:

“When properly done, investigations can protect the company’s interests and those of its investors and shareholders. They can identify misconduct, ensure corporate compliance with applicable laws and regulations, minimize business risks, protect a company’s image, and even provide a defence to legal claims.”⁸³

Past research has found that it is this attitude that allows sexual harassment to persist in workplaces because employers focus on paper-based compliance when a broader approach that includes a culture shift is actually what is needed.⁸⁴ In the United States, researchers have concluded that Supreme Court decisions and federal and state laws that require employers to demonstrate they have “exercised reasonable care” to prevent and respond to sexual harassment has created a “check-box mentality” where employers are not held liable for sexual harassment that occurs in their workplace if they can show they have a sexual harassment policy and have provided some form of training.⁸⁵

This issue has not been investigated to the same extent in the UK, but under the Equality Act 2010 in Great Britain⁸⁶ sexual harassment is unlawful, and similarly to US regulations, employers are liable for harassment committed by their workers unless they can show they took “all reasonable steps to prevent such behaviour.”⁸⁷ There is no definition of “reasonable steps” and the Act has been criticised for not placing mandatory requirements on employers that exist for other areas of corporate governance, such as data protection and money laundering. In these areas, to prove they have taken “reasonable steps” employers must show they have done risk management and risk assessments in their workplace, tailored training to those risks, and have officers to oversee adherence – and, if they do not meet mandatory requirements, tough sanctions are given.⁸⁸

81 McDonald (2011); Medeiros, K. and Griffith, J. (2019). #Ustoo: How I-O psychologists can extend the conversation on sexual harassment and sexual assault through workplace training. *Industrial and Organizational Psychology*, 12(1), 1-9.

82 Sherywn, D. (2008). Roundtable retrospective 2007: Dealing with sexual harassment. *Cornell Hospitality Quarterly*, 49(1), 53-61.

83 Dwoskin, L. B. and Squire, M. B. (2018). Best practices in conducting internal workplace investigations of discrimination and harassment complaints. *Employee Relations Law Journal*, 44(2), 20-38.

84 McDonald, P., Charlesworth, S. & Graham, T. (2014). Developing a framework of effective prevention and response strategies in workplace sexual harassment. *Asia Pacific Journal of Human Resources*, 53(1), 41-58; 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.

85 Medeiros, K. and Griffith, J. (2019). #Ustoo: How I-O psychologists can extend the conversation on sexual harassment and sexual assault through workplace training. *Industrial and Organizational Psychology*, 12(1), pp.1-9.

86 In Northern Ireland, sexual harassment is unlawful under the Sex Discrimination (NI) Order 1976 (as amended).

87 *Equality Act 2010* (Great Britain)

88 Women and Equalities Select Committee (2018)

In response to calls to strengthen the safety of workers and encourage employers to take action to prevent sexual harassment, the UK Government has announced that it plans to introduce a new preventative duty on employers in Great Britain. This duty is welcome, and we urge the Government to introduce the legislation swiftly. However, to be effective, employers must actively embrace preventative efforts, rather than view these efforts as tick-box exercises. The Government acknowledges as much: in its consultation response, it recognised that the change in law is unlikely to tackle the issue of sexual harassment alone but argued that “it is an important and symbolic first step” that signals to employers that they need to comprehensively respond to sexual harassment, and hopes the duty will have a positive effect on workplace culture.⁸⁹

Up to now, as a result of focusing on minimising legal risk, employers tend to take a reactive and compliance-driven approach to addressing workplace sexual harassment; they take little action until an incident arises and then respond to it in a way that minimises reputational damage.⁹⁰ This places the burden on employees to report experiences of sexual harassment – a process that can be traumatic and place them in a vulnerable position. This means it is necessary to rethink how sexual harassment is dealt with in the workplace. The remainder of the report will detail what is currently not working and what employers can do to better tackle workplace sexual harassment.

Conclusion

Workplace sexual harassment is unwanted behaviour of a sexual nature that violates a worker’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It constitutes a range of behaviours from sexual comments or jokes to unwelcome touching. The available statistics on workplace sexual harassment make clear that it cannot be dismissed as something that only happens to a small number of women over the course of their career. Instead, due to sexism combined with racism, ableism, homophobia and transphobia, classism, ageism, and religious intolerance – as well as approaches to prevention that mistakenly focus on minimising legal liability over culture change, it is something that is currently normalised in workplaces. At an absolute minimum sexual harassment is experienced by 40% of women in the workforce over the course of their career.⁹¹ Therefore, employers cannot assume that it is not something that happens in their workplace. They also cannot assume that the impact of sexual harassment is confined to the incident itself; instead, in most cases of sexual harassment, the incident only starts off a long and painful chain reaction for women who are sexually harassed.

In addition to dealing with the psychological and/or physical trauma of the harassment, a woman who was harassed needs to make the difficult decision whether to tell anyone at her workplace. She has to weigh up the risks of not being believed – or of being blamed – with the potential benefits of receiving support and her harasser being disciplined. If she decides to report her experience, she then may be faced with a stressful investigation process, retaliation, and long-term career consequences. Utilising our call for evidence with women who have experienced harassment and our survey of managers, combined with previous research, the following section outlines what happens after women experience sexual harassment – and why employers need to do better.

89 Government Equalities Office (2021)

90 AHRC (2020)

91 BBC & ComRes (2017)

1.2: After the incident: reporting and responding to sexual harassment and the long-term harms

This section combines the findings from the call for evidence and manager survey, with previous research to outline current issues in reporting and responding to workplace sexual harassment, as well as the consequences of sexual harassment for women and employers. These findings illustrate those current approaches to reporting and responding to workplace sexual harassment are not adequate and do not meet the needs of women who experience harassment.

Sexual harassment is under-reported

To respond constructively to incidents of sexual harassment and support employees, employers need to be in possession of the information that sexual harassment has occurred. However, the great majority of cases are not reported to employers, because of individual and structural barriers.⁹² Estimates of reporting rates vary based on individual and organisational factors but they are generally extremely low. For example a survey of 1,533 workers conducted by YouGov for the TUC found that 79% did not report unwanted sexual behaviour to their employer.⁹³ The rates of formal reports involving a grievance procedure are even lower; the National Police Chiefs Council surveyed 17 police forces with 180,000 staff and found that, over a seven year period, 194 cases of sexual harassment had been formally reported but, in a survey of women police officers, one-third reported experiencing sexual harassment.⁹⁴

There has been extensive research into why employees who experience sexual harassment do not report workplace sexual harassment. The reasons can be summarised into six categories:

- 1. The employer or employee who was harassed minimises the seriousness of the experience.** This includes the employee not knowing whether the experience was sexual harassment,⁹⁵ feeling embarrassed or at fault,⁹⁶ feeling that the behaviour was not serious enough,⁹⁷ being discouraged to file a formal report by a supervisor or colleagues,⁹⁸ and perceiving that sexual harassment is a normal part of the job or tolerated by the workplace.⁹⁹
- 2. The employee lacks faith in their employer's response,** including doubt they would be believed¹⁰⁰ and scepticism that any action would be taken against the harasser.¹⁰¹ This may be informed by witnessing colleagues' reports of sexual harassment handled poorly,¹⁰²

92 Clarke, H. M. (2014). Predicting the decision to report sexual harassment: Organizational influences and the theory of planned behaviour. *Journal of Organizational Psychology*, 14(2), 52-65; McDonald, P., Backstrom, S. and Dear, K. (2008). Reporting sexual harassment: Claims and remedies. *Asia Pacific Journal of Human Resources*, 46, 173-195.

93 TUC (2016)

94 Women and Equalities Select Committee (2018)

95 McDonald, P., Charlesworth, S. & Cerise, S. (2011). Below the "tip of the iceberg": Extra-legal responses to workplace sexual harassment. *Women's Studies International Forum*, 34(4).

96 TUC (2016)

97 Vijayasiri, G. (2008). Reporting Sexual Harassment: The importance of organizational culture and trust. *Gender Issues*, 25, 43-61.

98 Herovic, E., Scarduzio, J. A. and Lueken, S. (2019). "It literally happens every day": The multiple settings, multilevel considerations, and uncertainty management of modern-day sexual harassment. *Western Journal of Communication*, 83(1), 39-57; Lindquist, C. & McKay, T. (2018). Sexual harassment experiences and consequences for women faculty in science, engineering, and medicine. *RTI International*, 2378-7937.

99 Nielsen, M. B. D., Kjær, S., Aldrich, P. T., Madsen, I. E. H., 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, 122-130.

100 EHRC (2018)

101 Markson, H. & Harvey, J. (2018). [Speak out: Sexual harassment report 2018](#). Ministry of Defence.

102 Lindquist & McKay (2018)

the lack of a sexual harassment policy stating sanctions for harassers,¹⁰³ or worry that because of stereotypes about their sexual nature their report will be dismissed (for example, Black women are seen as more promiscuous and disabled women are often desexualised).¹⁰⁴

3. **The employee holds little power in the workplace.** This includes the harasser being senior to the employee who was harassed and a belief that senior staff would be protected by the workplace,¹⁰⁵ occupying a vulnerable position in the workplace (for example being young or being on a part-time or seasonal contract),¹⁰⁶ and being part of a marginalised group (for example being a woman of colour or disabled).¹⁰⁷
4. **The employee fears negative personal consequences,** such as being labelled a troublemaker,¹⁰⁸ having their progression prospects harmed,¹⁰⁹ being victimised and retaliated against,¹¹⁰ and suffering negative impacts on relationships with other colleagues.¹¹¹ These fears are heightened for women of colour, LGBTQ, and disabled women who already occupy precarious positions in the workplace and are at greater risk of facing discrimination and poor treatment.¹¹²
5. **The employee does not want to reinforce stereotypes about women of their race or ethnicity.** Black women have reported feeling worried that by reporting their experience of sexual harassment they will reinforce stereotypes of Black women as aggressive¹¹³ and Asian women have reported fearing that they will face shame from their family and/or community if they report they were sexually harassed.¹¹⁴
6. **The employee faces structural and procedural limitations.** This includes a lack of appropriate reporting procedures in the workplace (for example, reporting procedures that require employees who were harassed to report to their supervisor but their supervisor is the harasser),¹¹⁵ a lack of protections for the report to be kept confidential,¹¹⁶ a lack of confidence their supervisor would know how to handle a report,¹¹⁷ and the physical layout of the workplace making employees fear that reporting sexual harassment would make working with the harasser afterwards uncomfortable.¹¹⁸

103 Medeiros & Griffith (2019)

104 Haraldsdóttir, F. (2020); Luthar, H. S., Tata, J. Kwesiga, E. (2009). A model for predicting outcomes of sexual harassment complaints by race and gender. *Employment Response Rights Journal*, 21, 21-35.

105 EHRC (2018)

106 Herovic et al. (2019)

107 Reese L.A. & Lindenberg, K. E. (2003). The importance of training on sexual harassment policy outcomes. *Review of Public Personnel Administration*, 23(3), 175-191.

108 TUC (2016)

109 Lindquist & McKay (2018)

110 Campbell, H. & Chinnery, S. (2018). [What works? Preventing and responding to sexual harassment in the workplace: A rapid evidence review](#). Care Insights, Care International.

111 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.

112 Brassel et al. (2020); Luthar et al. (2009); TUC (2021)

113 Buchanan (2005)

114 Hunt et al. (2010)

115 EHRC (2018)

116 Campbell & Chinnery (2018)

117 Best, C. L., Smith, D. W., Raymond, J. R., Greenberg, R. S., Crouch, R. K. (2010). Preventing and responding to complaints of sexual harassment in an academic health center: A 10-year review from the medical University of South Carolina. *Academic Medicine*, 85(4), 721-727.

118 Herovic et al. (2019)

Less than half the women in the call for evidence reported sexual harassment to their employer

Less than half (46%) of the women who responded to the call for evidence reported their experience of sexual harassment to their employer.¹¹⁹ Women in management positions were more likely to report the harassment (54%), compared to 43% of women in non-management positions. Only four in ten (41%) of women who were harassed by a colleague senior to them (the majority of the cases) reported the harassment, compared to 70% of women who were harassed by a colleague junior to them. In addition, 38% of women who were harassed by a customer or client reported the harassment and 49% of women who were harassed by a colleague at the same level as them did so. These findings reflect the vulnerability and fear of women in junior positions.

The reasons for not reporting harassment among the women who responded to the call for evidence largely mirrored the findings in the literature. First, respondents described a fear of repercussions. This included a fear of retaliation by their harasser and worry that they would lose their job or face career impacts. One respondent described being unable to take the financial risk:

“At the time I was a lone parent and very worried about losing my job.” Woman in advertising

For another woman this fear was compounded by her already vulnerable position in the workplace due to being Black:

“As a junior Black woman, I felt I was already at a deficit and didn’t want to damage my chances at work anymore.” Woman in the private sector

There were women who also worried that the repercussions for the harasser to their report would be disproportionately severe and colleagues would blame them.

Second, there were women who responded to the call for evidence who also did not trust they would have been believed or taken seriously. These women perceived that their workplace had a culture tolerant of sexual harassment and did not think their employer would care or understand the severity of the incident. For many, this lack of trust was the result of witnessing others being ignored:

“The only response I would have got is a laugh, a shrug and an “it’s only A” and I would have been the one labelled ‘difficult’. That is based on observation of the outcome of other incidents.” Woman in the private sector

Third, there were women who lacked enough information to report the incident. This included women who did not realise until well afterwards that what they had experienced was sexual harassment or that they were not to blame.

“I didn’t realise at the time that it was sexual harassment. It was only after talking it through with someone much later and after hearing what people were saying in the MeToo movement.” Woman in education

This group also included women who did not know how to make a report. This was a particular issue for women working in freelance or contractor positions who were not given access to the same resources for action as permanent employees.

¹¹⁹ This includes women who reported to a person in authority (i.e. a manager, HR representative, or union representative); reported to a colleague assigned to receive sexual harassment reports (i.e. an ombudsman, equity officer or harassment officer); reported to a third-party assigned to receive sexual harassment reports (i.e. a telephone hotline or counsellor); submitted a written report or filed a grievance procedure; submitted a report online or via an app; or reported anonymously in any of the previously mentioned ways. It did not include women who reported only to a friend in their workplace.

Fourth, there were women who did not report because they held a vulnerable position in their workplace. This group consists of women who were harassed by senior men while working in a junior position, women who had no employment protection because they were an agency worker, young women, and women who were new to the organisation.

“I was targeted as I was a young working-class woman who needed the job.” Woman in the private sector

“I was 18 and it was my first full time job. I was one of three women in a workplace of 60 men.” Woman in the private sector

Fifth, there were women without any viable reporting options, such as the absence of a HR department. Inadequate reporting routes was a particular issue for women working in small organisations. One woman wrote that her harasser was her boss and owner of the organisation, leaving her to feel that there was nothing that could be done. As well, in small organisations, some women did not think their report would be kept confidential:

“I think in much smaller organisations like mine (20 people) there is almost no way that reporting wouldn’t become gossip and make work very difficult. There is no way of avoiding people at all.” Woman in advertising

Finally, there were women who believed that the best choice for them was to deal with it on their own. They chose to confront the harasser and challenge their behaviour.

Managers have mixed perceptions on the level of reporting at their organisation

Responses to the manager survey reflected the findings in the literature and call for evidence on why women do not report. Managers who perceived that the reporting rate was low at their workplace believed this was because the reporting process are poor or because employees fear retaliation and victimisation. Managers working in male-dominated workplaces also believed that the lack of women contributed to underreporting. They believed that in these workplaces, gender discrimination was common, contributing to a culture that tolerated sexual harassment:

“[The] main issue is the culture, where some behaviours are tolerated as “banter”, which leads to lack of reporting” Public sector senior manager

It is important note that the majority of managers in the survey believed that the reporting system at their workplace worked well and they did not identify underreporting as an issue. This reflects research findings that managers are often unaware of the extent of sexual harassment in their workplace and believe that the number of reported cases closely resembles the number of actual cases. However, past research and findings from the call for evidence make clear that sexual harassment is routinely underreported, with the nationally representative survey by the GEO finding only 15% of workers who experienced sexual harassment formally reporting it to their employer.¹²⁰

Reports of sexual harassment are rarely handled appropriately

When an employee makes the brave decision to come forward with a report of sexual harassment they should be met with compassion and support by their employer. However,

research shows that employers are commonly dismissive – or worse, combative.¹²¹ In the TUC survey, among the 21% of women who did report their experience to their employer, 29% said their employer dealt with it satisfactorily and took the experience seriously, whereas 33% said it was not dealt with satisfactorily and 15% said they were treated worse after reporting.¹²² Similarly, the survey for the GEO found that 35% of those that reported their experience of sexual harassment to their employer were dissatisfied with the outcome and women were significantly more likely to be dissatisfied with the outcome than men (42% compared to 27%). Women were also more likely to be dissatisfied with the process (35% compared to 25%).¹²³ The EHRC also conducted a voluntary online survey, asking employees who experienced sexual harassment to share their experience. The survey found that, in about half of the cases where employees did report, their employer took no action, minimised the incident, or placed the responsibility on the employee to avoid the harasser. This was most common in cases of third-party harassment, where sexual harassment from customers and clients in the hospitality and retail sector is viewed as part of the job.¹²⁴ A representative sample of over 10,000 workers in Australia found that for less than half (48%) of women who made a report or complaint the harassment stopped – and over two in five (43%) of respondents who made a formal report or complaint experienced negative consequences as a result.¹²⁵ In the UK, the GEO survey found that among workers who made a formal report, one in five (19%) said there were no consequences for their perpetrator while 50% experienced some form of change to their own job, including 13% who were pressured to look for a new job, and 11% who quit without another job. Women were significantly more likely than men to choose to look for another job (20% vs 14%).¹²⁶

Women face inaction, incompetency, and worse when they make a report of sexual harassment to their employer

In the call for evidence, we asked women who reported their experience of sexual harassment to their employer to describe their employer's response. There were women who were pleased with their employer's response and believed that their employer took appropriate action. This included following procedures carefully and swiftly, offering support from an equity officer or anti-sexual harassment pioneer and ensuring the woman did not work with their harasser again. Women reported being satisfied with their employer's response when 1) they were believed and their report was taken seriously and/or 2) the harasser was disciplined.

Women whose employer believed them and took their report seriously reported that this made them feel validated and confident to report any future incidents:

“I reported it to a line manager. She listened and validated my experience and took it seriously. She asked what I would like to happen but I wasn't sure and felt really nervous about reporting it. She offered to speak to HR on my behalf to get some more information and advice. My line manager is very supportive and has made it clear that she is there for me and so too will the other members of the team be.” **Woman in the public sector**

121 Lindquist & McKay (2018); McDonald et al. (2011); Vijayasiri (2008)

122 TUC (2016)

123 Adams et al. (2021) (p126; p125)

124 EHRC (2018) and see also similar findings by the Australian Human Rights Commission [AHRC]. (2018). [Everyone's business: Fourth national survey on sexual harassment in Australian workplaces.](#)

125 AHRC (2018)

126 Adams et al. (2021) (p128)



“What worked well was the person I told, a more senior woman, took my report seriously and expressed sympathy and shock. This felt validating and gave me confidence to speak to HR.” **Woman in the private sector**

Respondents to the call for evidence also reported being satisfied with the outcome of their report when their harasser faced sanctions that they believed were proportionate to the severity of their behaviour. For example, some women were satisfied that the harasser was simply spoken to. Others were satisfied that the harasser was demoted or let go from the organisation. Section 2.5 on employer responses to reports discusses what appropriate responses look like in more detail.

Despite these cases of positive responses, the majority of the women who shared their experience detailed negative responses on the part of their employer.¹²⁷ Negative employer responses can be organised into five categories, outlined below.

Inaction and dismissal of the incident

The first type of poor response that women received was inaction on the part of their employer. Women who experienced this response wrote that when they reported the harassment, their employer did not take it seriously and took no action to investigate the report or sanction the harasser. This occurred even in cases where there were bystanders present, including senior leaders. They described being laughed at or treated as if they were overreacting:

“My manager laughed in my face. There was no thought of even taking it seriously, never mind investigating it or taking disciplinary action.” **Woman in the private sector**

“My employer did not take my report seriously and did not investigate my concerns – despite my request for formal process to be launched.” **Woman in the private sector**

The primary reason employers took no action was a belief that the woman was over-reacting and that the behaviour was acceptable. Respondents were commonly told ‘boys will be boys,’ ‘that’s just how he is,’ or ‘it’s just banter’ and instructed to learn to deal with it – or, in some case, consider it a form of flattery:

¹²⁷ It is important to note that the call for evidence was not representative, and it is possible that women with a negative experience to share were more likely to respond.

“My immediate superior who I reported it to laughed & told me to get used to it, it was all only “a bit of fun” and that I should “take it as a compliment”. When I insisted that it was not complimentary and not fun he got angry and said no one had ever minded before.” Woman in the public service

An additional reason for a lack of action on the part of employers was that the accused was a valued member of the organisation or customer and employers prioritised profit over employee safety and wellbeing. For example, one woman wrote that her employer told her they did not want to know about the incident because her harasser was running a company outpost that was financially stable and therefore, he was indispensable. Others who worked in the service industry wrote that nothing was done because their harassers were clients who spent large amounts of money and their employer did not want to risk losing their patronage.

A lack of knowledge about what constitutes sexual harassment was another reason that employers took no action. Women described reporting an experience of harassment and facing questions over whether the incident could be considered harassment:

“They were asking am I sure is this sexual harassment? I even went to the Government website and showed them a description of sexual harassment, still they were asking am I sure?” Woman in the private sector

The lack of action by employers caused distress for the affected women. They reported feeling let down by their employer and feared being in their workplace:

“Nothing was done. In fact, I was sick off work for 5 months with stress because my managers refused to move me or him to another department. So, I had to face him every day and I had to see his face, and him smiling at me. I was re-traumatised every day.” Woman in the private sector

“I wasn’t told if he was reprimanded or given a warning. I had to continue to work with him and quit a few months later as I couldn’t tolerate it.” Woman in the private sector

In these cases, the lack of action meant that the harasser did not face any sanctions – and in some cases, they were promoted soon afterwards. The women in these situations described feeling frustrated, hurt, and angry. They believed that the inaction perpetuated a culture of tolerance for sexual harassment at their organisations.

Discouraged action

The second type of poor response that women in the call for evidence faced was discouragement from their employer to pursue their report or complaint. Some women who initially made an informal report, were warned against making a formal complaint by their employer. They were told that there was little point in making a formal complaint because the accusation would be difficult to prove, the process could be long and stressful, their identity would not be kept confidential, and there could be negative consequences for their career:

“Whilst initially sympathetic, [my manager] warned me that I was making serious and unsubstantiated accusations against a very senior and powerful man and that it would be impossible to keep my identity confidential.” Woman in the private sector

“It was made clear to me that formalising my complaint would be a serious and drawn-out process, which would involve naming all of the perpetrators and providing evidence. They really tried to discourage me, and there was no advice or support.” Woman in the private sector

Other women were simply told not to report any further and to keep quiet, or risk damaging their career. These women described feeling intimidated into keeping quiet and worrying about being perceived as a troublemaker:

“I was actively discouraged from taking it further on the basis that there was nothing that could/would be done and continuing to raise it would be damaging for my career.”

Woman in the public sector

Other women wrote that they were told that they could not submit a formal report. This was because their employer preferred to handle the issue discreetly, protecting the alleged harasser’s reputation, and their own:

“The managing partner did not allow me to bring a formal grievance against this individual (preferring to allow the individual to leave without any repercussions). I was informed that I could not speak to human resources or any workplace colleague about my complaint.” Senior manager in the private sector

“I was told that while what had happened to me was terrible and the behaviour unacceptable, the person had also done good things for the company and saved them money and that would have to be weighed up against their conduct...Also [there was the] idea that they did not want to ‘ruin’ his life and they had to think about his reputation... He resigned and it was agreed he would do so if it wasn’t made public why. I would have gone for a full, proper investigation and outcome rather than him being allowed to slip away.” Senior manager in the private sector

Women who were discouraged from making a formal complaint, or who were prohibited from doing so, explained that they were left feeling frustrated and disappointed due to the lack of support from their workplace.

Insufficient and inappropriate action

A third type of response that women in the call for evidence experienced was insufficient or inappropriate action on the part of their employer. In these cases, employers took the initial report seriously, but failed to follow through with meaningful action:

“They believed me but seemed not to know what to do. [They] seemed to think, I could do something.” Woman in the public sector

This also included cases where employers spoke to the harasser but took no other disciplinary steps or checked whether the harassment stopped.

“They took the person for a walk, had a word with him, then left me to continue to work with them without doing any check-ups... I later found out I was the 5th member of staff to undergo this kind of treatment.” Woman in the private sector

Women also wrote that their employer offered inappropriate or ineffective solutions, such as women being told to confront the harasser directly or managers simply sending organisation-wide messages stating that sexual harassment is not acceptable in the workplace.

“My direct manager suggested I converse with the offender alone, to allow him to apologise. I did not want this, it was horrible to have to be in the same room alone, particularly as I’d been encouraged to “act professionally” about it.” Woman in the private sector

“They said to ‘leave it with them’ and they wrote a message in the group whatsapp to say, please be aware of some inappropriate comment made in the office, we don’t want to encourage a lad culture, even though I had said it was one specific person.” Woman in the private sector

As well, respondents reported cases where their employer took action without consulting with them first. In these situations, employers alerted HR or other colleagues without checking that this is what the woman wanted. This left these women feeling powerless. Women also reported feeling out of control of the process when they were not given clear information about what would happen if they made a formal report:

“HR response was very matter of fact and abrupt. They told my line manager that the matter was serious and that I should make a formal report in order to safeguard others in the workplace... I now feel pressure to make a formal complaint however I feel totally like it will be out of my control what happens next and that scares me.” Woman in the public sector

There were also women who were offered counselling by their employer, but they did not think the counselling was effective or appropriate on its own. For example, one woman described using a counselling phone line provided by her employer where she was instructed to ‘think about the experience for five minutes and then forget about it.’ Another woman wrote that she did not think sexual harassment was an issue that could be solved through counselling:

“Counselling would not have helped me because all the help I needed was not to be harassed. It was not an issue relevant to counselling.” Woman in the public service

These women perceived that by only offering counselling without disciplining the harasser, their employer shifted the responsibility for the issue onto them. Respondents who were supportive of the availability of counselling believe that it should be offered in conjunction with other forms of action, including disciplining the harasser with proportionate sanctions.

Finally, there were cases where women were sexually assaulted but their employer did not refer the matter to the police or cooperate with police investigations.

“My manager encouraged me to report the incident to the police and they visited the workplace the next day to take a report The business owner did not cooperate by providing necessary evidence e.g. CCTV footage or allowing the police to remove items from the shop floor that may have had DNA on.” Woman in the private sector

“I have also asked them whether I can report it to the police, and they told me that they will make an investigation and that the police haven’t got access to the building. I was weird to me, at that point, but I was so in shock, so I didn’t have a second thought.” Woman in the private sector

Poor handling of the investigation and grievance process

In cases where a formal investigation and/or grievance process was conducted poorly, respondents to the call for evidence reported experiencing several common issues. First, some women wrote that the investigation was not thorough, with their employer neglecting to speak to key witnesses or record their statements and collect proper evidence. Relatedly, some women were also told that there was not enough evidence to prove their allegation, with their employer failing to acknowledge that there is often a lack of evidence or witnesses in cases of sexual harassment:

“I have reported to the General Manager, the was investigation conducted by HR team and formal report was made. Unfortunately, due to lack of evidence, no witnesses, and apparently cameras didn’t work in this section, nothing was done.” Woman in the private sector

In one case, a woman was told that there was not enough evidence because she refused to undress to show physical evidence of the harassment:

“After making the statement, I was asked to undress myself and to show them any bruises. I refused... After 1 week, they told me that there was no sufficient evidence, that my statement didn’t match the statement of the perpetrator and they couldn’t see any physical evidence, as I refused to show them my body.” Woman in the private sector

Women wrote that they felt responsible for proving the incident happened and that they were on trial, rather than the alleged harasser:

“The organisation took it very seriously when I first reported it, but over time, as the grievance process dragged on, it became clear they just wanted it to go away. I felt the onus was on me to prove something when there weren’t any witnesses.” Woman in the third sector

A commonly reported issue with investigations and grievance procedures was the process took too long, in some cases lasting up to six months. Respondents explained that this caused unnecessary stress as they often had to continue to work with the harasser while the process was ongoing and provide multiple statements, causing them to have to relive the trauma of the incident repeatedly:

“It took 4 months to hear my complaint. At each stage the employer introduced delays. And at each stage I had to repeat my experience, which led to me suffering from PTSD.” Woman in the public sector

For some women, the delay caused them to withdraw their complaint, as they did not continue to suffer the stress that stemmed from not knowing what was happening.

Another common issue was that the grievance was not kept confidential. The women in these cases faced retaliation from the harasser and/or colleagues, causing them to be further victimised:

“It became public knowledge that I had reported the harassment and was told by a number of people that I shouldn’t have said anything as it would affect the man’s career and he was probably only joking.” Woman in the private sector

“All our names were given to him during the complaint. He was therefore able to threaten me with destroying my career in revenge.” Woman in the private sector

There were respondents who wrote that they were never told the outcome of the investigation into their report of sexual harassment. This left them feeling frustrated and unsure whether the harasser was appropriately disciplined.

“[The head of HR] came back to me and simply told me the investigation was complete. I was not permitted to know the outcome or consequences, if any.” Woman in the private sector

“In the end the harasser in question left the company following the investigation but I was not told the result of the investigation which caused me distress.” Woman in the private sector

Woman blamed or punished

Finally, some women in the call for evidence revealed that they were blamed and punished after reporting their experience of sexual harassment to their employer. Women described being told that they had provoked the harasser or questioned about what they had been wearing at the time:

“Despite 8 complaints, we are asked what we had been wearing and if we have been flirtatious or inappropriate to encourage him.” Woman in the private sector

In some cases, the perception that they were to blame was reinforced by the fact that the women who reported harassment were moved from their roles, rather than their harasser. Women in these situations described being taken off projects that they enjoyed or moved shifts so that they no longer had to work with their harasser. However, they expressed frustration that their work was disrupted, instead of their harasser’s work:

“I was moved from the [city A] office to the [city B] office and made to feel that I was at fault. There were no consequences for my principal who had subjected me to the harassment.” Woman in the private sector

Women also reported facing retaliation after reporting their harassment. This ranged from being regarded as a ‘troublemaker’ to being denied promotions to being dismissed:

“I did feel the attitude of certain colleagues changes towards me after the incident. Particularly some who were very nice to me when I started there acted like I did not exist after the incident. I thought my manager considered me a bit of a troublemaker after it too and had the attitude that I was a lot of hassle for him and was a difficult employee.” Woman in the private sector

“I was penalised by the firm with regards to a promised pay increase which they then withheld from me.” Woman in the private sector

“I was dismissed a week after making the report. Three other women who made similar reports were also dismissed.” Woman in the private sector

This also included women who felt they were forced to leave their organisation after going through an external investigation or tribunal process – or because the retaliation they faced from their colleagues was so severe.

“Even though I ‘won’ the external HR recommended I be offered a settlement to leave the company and they basically pushed me out. I had been there over 10 years but this process created a perception that I was the problem.” Woman in the private sector

“My company then asked me to leave my post and paid me out of my contract. I had to sign a non-disclosure contract.” Woman in the third sector

“I faced gossip and rumours for months afterwards and had a breakdown and left.” Woman in the public sector

“I think the response was poor but because the harasser was a family member of the managing director... it made my relationship with the managing director more difficult and strained, I was shut out of senior meetings that I would usually have been a part of and I left shortly after.” Woman in the private sector

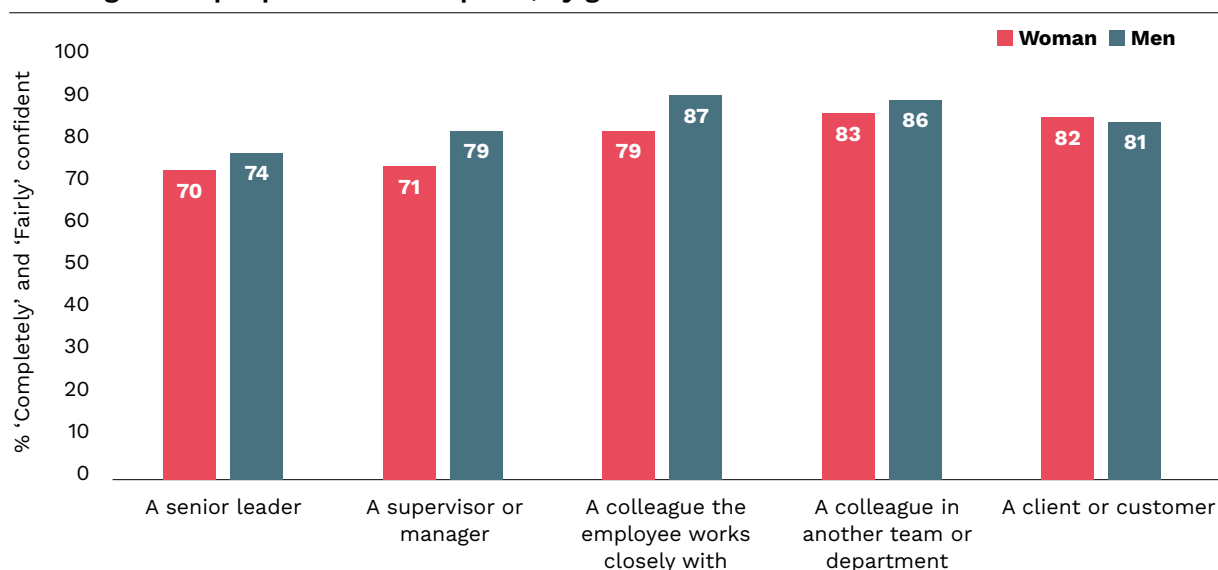
The responses faced by women in the call for evidence to their report of sexual harassment are not acceptable. Action must be taken to reform employers’ responses.

Managers lack awareness and training about how to respond to sexual harassment

Findings from the managers survey suggest that employer responses to sexual harassment are often insufficient or inappropriate not only because managers dismiss the seriousness of the situation (although as the results from the call for evidence show, this is certainly the case in many situations), but also because managers do not know how to respond. Among managers that took part in the manager survey, only 14% had dealt with a report of sexual harassment in their workplace. Of those that did, 68% said they were confident in knowing how to respond and 45% said they felt supported by their workplace to respond to the report.

We asked all survey respondents to indicate how confident they would feel responding to reports implicating different types of colleagues or people in the workplace. Figure 1 presents the findings. Men said they would be most confident responding to a report against a colleague in the same team as the person who made the report (87% compared to 79% of women) and women said they would feel most confident responding to a report against a colleague in a different team or department than the person who made the report, but men indicated they were more confident doing so (83% of women and 86% of men). Both men and women said they were least confident responding to a report against a senior leader in the organisation (70% of women and 74% of men).

Figure 1: Managers' confidence in responding to sexual harassment reports involving different colleagues and people in the workplace, by gender



Managers who felt confident in responding to a report of sexual harassment were those who believed that the processes for handling sexual harassment in their workplace worked well and were comprehensive. These workplaces had clear policies, guidance documents for managers, useful HR personnel, confidential processes, support services for employees who had been harassed and a culture of intolerance of sexual harassment.

“The policy and processes in place are fairly comprehensive. They provide clear roles that must be fulfilled and what the processes are, including expected time frames. The policies are all accompanied by guidance documents, which also contain example letters and proforma. The HR team are knowledgeable and useful on these and are able to provide current and up to date information.” Junior manager in the public sector

Managers do not know how to respond.

Of those taking part in the manager survey, only 14% had dealt with a report of sexual harassment in their workplace.



“The company has a very clear policy and a good support network of trained and experienced councillors. The support works well both for managers dealing with allegations and to support the staff involved.” Senior manager in the public sector

Managers also valued the availability of external investigators because they believed that they provided an unbiased and expert opinion:

“Works well – we have trained Independent investigators who would look into the allegation with support from HR.” Middle manager in the third-sector

Managers who did not feel confident said that their workplace had poor systems in place for handling reports of sexual harassment or did not take reports of sexual harassment seriously. They described being frustrated that reports of sexual harassment are sometimes brushed aside:

“The mandatory annual training is good and makes it look like there is a need to stamp sexual harassment out. However, my experience with this organisation is that it is just an accepted part of happenings by senior managers including the director. They are all very close knit with each other.” Middle manager in the public sector

“The policy is very clear and provides clear steps to follow if such a report is made however, some managers do not take action. I have experienced a case where senior management did not follow through with the report made by one of their staff which was very disappointing.” Middle manager in the public sector

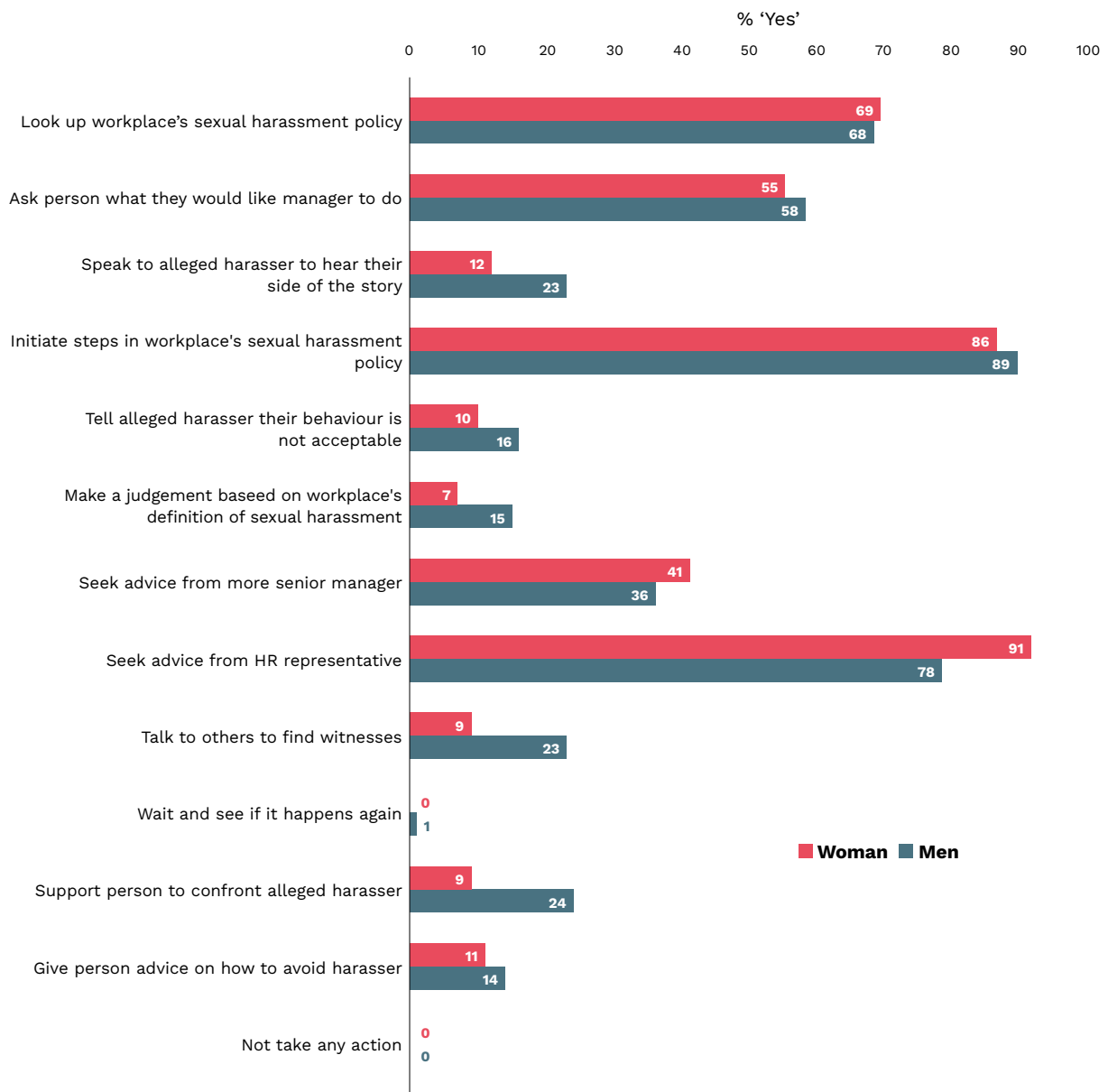
Managers also expressed frustration at the length of time that investigations could take; they recognised the complexities of the process and the importance of conducting investigations thoroughly, but believed that the duration of time could add to the stress of both the employee who made the report and the employee who was accused:

“The speed of the investigation and decision-making process can sometimes be too slow... I feel it is unprofessional to wait for elongated periods of time to inform a member of staff that they have been found guilty of gross misconduct and have been terminated... The accuser also has to potentially wait for an outcome which places undue stress on to them.” Junior manager in the public sector

TACKLING SEXUAL HARASSMENT IN THE WORKPLACE

We also asked managers what they would do if they received a report of sexual harassment from an employee. Results are presented in figure 2. Most commonly, managers said they would initiate the steps in their workplace policy and seek advice from an HR representative (although far less men, 78%, said they would do this compared to 91% of women). Both actions may be appropriate in most situations, but some women do not want their report to go any further than a conversation with their manager and may feel uncomfortable if their manager spoke to HR on their behalf. This is why it is important that managers ask their employee what action they would like them to take – but only 56% of managers said they would do this. It is not clear why only a small majority said they would do so, but points to a need for managers to be trained in how to respond empathetically and sensitively to reports of harassment.

Figure 2: What managers would do if they received a report of sexual harassment, by gender



There are important differences between genders, with men more likely to speak to the alleged harasser to hear their side (23% compared to 12% of women), tell the alleged harasser their behaviour is not acceptable (16% compared to 10%), make a judgement based on the workplace's sexual harassment policy (15% compared to 7%), talk to others to find witnesses (23% compared to 9%) and support the person to confront the alleged harasser (24% compared to 9%). Compared to men who appear more likely to take the matter into their own hands, women were more likely to seek advice from others. By taking the issue into their own hands, and particularly speaking to the alleged harasser to hear their side, talking to the others to find witnesses and supporting the person to confront the harasser, managers could expose employees who have been harassed to a greater risk of retaliation and victimisation, as their identity is not kept confidential. These differences point to the need for comprehensive training to ensure that all managers within an organisation respond consistently to a report of sexual harassment.

There is a disconnect between the findings in the manager survey and the call for evidence. Despite many women reporting their employer took no action after they made a report of sexual harassment, no managers said they would take no action. There are three likely explanations for this. First, managers may have been displaying 'social desirability' bias, a type of response bias, in which survey respondents answer questions based not on what they *actually* think or do, but what they think others *expect* them to think or do. Respondents to the manager survey may not have wanted to admit that they would not take any action. Second, because most managers in the survey had not previously dealt with a sexual harassment report, it is possible that they did believe they would take action, but when faced with the situation in real life with mitigating contextual factors (i.e., the harasser was their friend), they would respond differently. Third, because the survey was self-selecting and not representative, it is also likely to be affected by non-response bias; managers who would not take any action are less likely to have completed the survey in the first place, whereas managers who already show good practice in this area are more likely. As a result, these results must be interpreted with caution and cannot be generalised beyond the survey participants.

What is the long-term harm of sexual harassment?

There is a perception that sexual harassment is an innate and inevitable feature of workplaces. However, workplace sexual harassment can have devastating consequences for women who experience it, and negative consequences for employers. For example, a meta-analysis of 41 studies on the consequences of workplace sexual harassment found that employees who experienced sexual harassment have lower mental and physical health and have an increased likelihood to experience PTSD, compared to employees who have not.¹²⁸ The traumatic impact of being sexually assaulted or raped in the workplace may be obvious to many, but research also shows that being subjected to repeated, 'low-level' sexual harassment at work can produce cumulative impact that is equally stressful.¹²⁹ A crisis point may be reached slowly after months or years. Sexual harassment can also compound and reinforce the impact on women of experiencing other forms of sex discrimination, and other intersecting forms of discrimination and disadvantage related to characteristics such as ethnicity, disability, religion, gender expression or identity, sexuality, and age. For example, evidence that due to the compounded nature of racialised sexual harassment and because experiencing multiple forms of trauma increases the likelihood of psychological harm, women of colour experience workplace sexual harassment differently and may experience different impacts.¹³⁰ A study of

128 Willness et al. (2007)

129 Sojo, V. E., Wood, R. E., & Genat, A. E. (2016). Harmful workplace experiences and women's occupational well-being: A meta-analysis. *Psychology of Women Quarterly*, 40(1), 10–40.

130 Buchanan et al. (2009); Fielden, S. L., Davidson, M. J., Woolnough, H., Hunt, C. (2010). A model of racialised sexual harassment of women in the UK workplace. *Sex Roles*, 62, 20–34.

military women in the US found that after being sexually harassed, Asian women suffered more severe PTSD symptoms and higher levels of depression and psychological distress than white women. The study also found a relationship between racialised sexual harassment and job outcomes, with women of colour who were sexually harassed reporting lower levels of organisational commitment and increased turnover intentions.

Sexually harassing behaviours – wherever they fall in the range from ‘minor’ to ‘severe’ – are also experienced as part of the cultural pattern of male sexual violence that is ever-present and can escalate. Those who have experienced escalating sexual violence are alert to the threat of a look or comment that might unpredictably turn into something more dangerous.

The harm caused to individuals who are subjected to sexual harassment can be influenced by a number of factors including the quality of the institutional response to it. A poor institutional response is likely to compound the harm. Satisfaction with employer response is low.¹³¹ Women commonly reported reactions to sexual harassment include stress, anxiety, depression, post-traumatic stress disorder, physical health impacts and negative career impacts not only from the incident itself but often from experiencing retaliation and victimisation from management and other workers, as a consequence of exercising the right to report it. A recent longitudinal study of 85,205 Swedish workers found significant associations between exposure to workplace sexual harassment and later suicidal behaviour (attempted and completed suicide).¹³²

Employers can also be negatively affected by workplace sexual harassment. There is strong evidence of a relationship between experiencing sexual harassment and lower job satisfaction, lower organisational commitment, job withdrawal, and lower productivity.¹³³ The cost of sexual harassment to organisational performance is high and includes impact on productivity, engagement and absenteeism, staff turnover and workplace culture. When complaints of sexual harassment are made, there are also significant costs incurred in investigation – and if the case goes to an employment tribunal can incur costs due to legal advice, compensation and reputational damage. Employers who fail to act properly, such as carry out thorough investigations, can face fines if they are found liable at the employment tribunal. For employers, this can translate into economic losses. Analysis by Deloitte estimated that in 2018 in Australia, workplace sexual harassment resulted in \$2.6 billion AUD (approx. £1.5 billion GBP) in lost productivity due to absences, staff turnover, and manager time.¹³⁴ Employers who choose to protect a harasser because they are valuable to the organisation, should keep these figures in mind and be aware of the potential financial cost – not to mention human costs – of ignoring sexual harassment.

As employers seek to improve the equality, diversity and inclusion of their workplaces, they cannot afford to ignore workplace sexual harassment. Employers who do not work to create a safe workplace cannot expect to recruit, retain, and promote women – and in particular, women who face other forms of harassment and discrimination in the workplace. By not employing a diverse group of women across a range of different positions in the workplace, employers risk losing out on top talent – and potential revenue. A study of 21,980 companies across 90 countries found that firms with greater gender equality in executive roles had higher profitability; companies in which 30% of its leaders were women had net margins 1 percentage point higher than less equal firms (the average net margin for all firms was 6.4%).¹³⁵

131 EHRC (2018) found that the most popular rating for the response received from employers to their report of sexual harassment was “very unhelpful” – see also TUC (2016)

132 Hanson, L. L., Nyberg, A., Mittendorfer-Rut, E., Bondestam, F., Madsen, I. E. (2020). Work related sexual harassment and risk of suicide and suicide attempts: prospective cohort study. *British Medical Journal*, 370.

133 Madera, J. M. (2017)

134 Deloitte Access Economics (2019) [The economic costs of sexual harassment in the workplace: Final report](#).

135 Noland, M., Moran, T., Kotschwar, B. (2016). Is gender diversity profitable? Evidence from a Global Survey. *Peterson Institute for International Economics, Working Paper*, 16-3.

For this reason, tackling sexual harassment in the workplace should be understood not only as a moral imperative, but as necessary for the functioning of a strong, high-functioning organisation.

Conclusion

Taking stock of the current state of affairs, we have a situation where approximately half of women experience sexual harassment at work; far less than half of cases are reported; women are rarely supported when they do report; and managers who are responsible for dealing with reports feel unprepared. This results in long-term damage to the women who are harassed (including reduced wellbeing and job satisfaction), and to organisations (including substantial financial costs).

Current approaches to sexual harassment rely on women coming forward to report harassment. This can be incredibly sensitive and traumatic – and put them in a vulnerable position personally and within their workplace. It is also an individualised response to an institutional problem and cannot result in the culture shift that is needed to prevent sexual harassment or ensure it is dealt with properly. By changing the culture of workplaces, this will create workplaces where women are safe to report incidents of sexual harassment and employers will be able to respond appropriately – most importantly, it will create an environment where sexual harassment cannot happen in the first place. This is encapsulated by a quote from a respondent to the call for evidence:

“I think it needs to be established in the culture in the first place. Having to report it and become a “victim” of behaviour that just shouldn’t happen in the first place puts the girl at a disadvantage or weaker position from the start.” **Woman in the private sector**

How can we fix this? We need to rethink how we approach sexual harassment – shifting from an approach that seeks to minimise employer liability to one that seeks to create organisational cultures and norms that do not tolerate sexual harassment. This starts with investigating what works from employees’ perspectives. The remainder of the report explores what is known about how employers should respond to and prevent workplace sexual harassment. We assess and seek evidence from the perspective of the wellbeing and interests of people who have experienced sexual harassment, and employees generally. Each section first presents ‘what the literature says,’ outlining the findings from the literature review, then presents ‘what women say,’ drawing results from the call for evidence, followed by ‘what managers say,’ highlighting suggestions from respondents to the manager survey. Each section concludes with recommendations, combining the insight from the three evidence sources.



PART 2

**Employer
actions to
tackle sexual
harassment in
the workplace**

2.1: Culture change efforts

To be effective at tackling sexual harassment, employers need to improve their sexual harassment policies, training, reporting mechanisms, and response to reports, but none of these improvements can be done in isolation. As will be demonstrated below, establishing multiple reporting routes will be futile if women do not feel that they will be believed if they make a report. And holding training sessions on sexual harassment will not be worthwhile if employees think it is only lip-service. Organisation-wide culture change is necessary to bring about meaningful action on sexual harassment.

What the literature says

Research on sexual harassment in the workplace has established that the culture of an organisation is one of the greatest predictors of the level of sexual harassment within a workplace.¹³⁶ Organisational culture refers to the shared set of assumptions among employees that guides behaviour by establishing what is expected and appropriate behaviour in the workplace;¹³⁷ it is encapsulated by the idea of ‘That’s how things are done around here’. Organisational cultures are perceived to be tolerant of sexual harassment when sexually harassing behaviours go unchecked by managers and bystanders, employees are deterred from reporting sexual harassment and face retaliation if they do, and perpetrators of sexual harassment are not disciplined.¹³⁸ Workplaces with tolerant cultures have higher levels of sexual harassment than workplaces with cultures that actively address and prevent sexual harassment.¹³⁹

To tackle sexual harassment, workplaces must address the misogynist norms that exist within their organisational culture in conjunction with the norms and systems that place women of colour, LGBT, disabled women, and marginalised women at greater risk of harassment.¹⁴⁰ Many people think that minor sexual harassment is a normal part of the workplace that women should just put up with. Establishing a positive culture that challenges this idea is the necessary first step in preventing sexual harassment.¹⁴¹ Sexual harassment takes place in part because employees with sexist attitudes and beliefs that justify harassment perceive that the behaviour will be tolerated and they will not face any consequences. The psychological perspective of ‘person-by-situation’ argues that when employees with these proclivities for sexual harassment work in an organisation that does not tolerate sexual harassment and/or has strong consequences for harassment, they are less likely to harass.¹⁴² In addition, the organisational climate may mediate the effectiveness of anti-sexual harassment training;¹⁴³ employees who perceive that their workplace tolerates sexual harassment have been found to have lower levels of pre-training motivation and to be less likely to apply the training that they have learned.¹⁴⁴ In short, employees respond to their environment; if their employer takes sexual harassment seriously, they are more likely to as well.

136 McDonald (2011); Willness et al. (2007)

137 Campbell & Chinnery (2018)

138 O’Leary-Kelly, A. M., Bowes-Sperry, L., & Arens Bates, C. (2009). Sexual harassment at work: A decade (plus) of progress. *Journal of management*, 35(3), 503-536; Walker, S. S., Ruggs, E. N., Taylor, R. M., & Frazier, M. L. (2019). Reporting sexual harassment: The role of psychological safety climate. *Industrial and Organizational Psychology*, 12(1), 106-109.

139 Hertzog, J.L., Wright, D. & Beat, D. (2008). There’s a policy for that: A comparison of the organizational culture of workplaces reporting incidents of sexual harassment. *Behaviour and Social Issues*, 17, 169-181; McCann, D. (2005). [Sexual harassment at work: National and international responses](#). Conditions of work and employment series No. 2, International Labour Organization.

140 Buchanan (2005)

141 EHRC (2018); (2005)

142 National Academies of Sciences, Engineering, and Medicine (2018)

143 Roehling, M.V. & Huang, J. (2018). Sexual harassment training effectiveness: An interdisciplinary review and call for research. *Journal of Organizational Behaviour*, 39(2), 134- 150.

144 Walsh, B. M., Bauerle, T. J. & Magley, V. J. (2013). Individual and contextual inhibitors of sexual harassment training motivation. *Human Resource Development Quarterly*, 24(2), 215-237.

As a result, it is necessary that employers clearly communicate and demonstrate that sexual harassment is unacceptable in their workplace.¹⁴⁵ Employers can begin to tackle sexual harassment by engaging in an organisational review and reflecting on their practices. For example, assessing how easy it is for employees to make a report of sexual harassment or evaluating how recent reports of sexual harassment have been dealt with, paying particular attention to ways in which reports involving different groups of employees are handled (i.e. are reports made by lesbian women handled differently than reports made by heterosexual women, or are reports accusing Black men handled differently than reports accusing white men?).¹⁴⁶ Employers can also conduct a regular “climate” assessment to understand employees’ perceptions of the workplace culture and monitor the prevalence of sexual harassment.¹⁴⁷ Gathering data and analysing it to identify patterns of behaviour and ideas, enables employers to identify the workplace norms and practices that are shaping sexual harassment and assess the risk of sexual harassment occurring. Doing so correctly reframes sexual harassment from an individual issue to an organisational issue, placing responsibility for tackling sexual harassment on all members of the organisation.¹⁴⁸ McDonald et al. (2015) argue: “By gathering information, consolidating and reviewing it, organisations can gain insight into the particular organisational norms and practices that are shaping occurrences of sexual harassment. Shifting the focus from the aberrant behaviour of individuals to a systemic level allows effective challenging of the status quo.”¹⁴⁹

In their report following an inquiry into sexual harassment in the workplace, the Australian Human Rights Council (AHRC) concluded that employers should be using information on the prevalence and attitudes towards sexual harassment in their workplace to manage risk. The AHRC notes that risk management strategies are regularly used by employers to prevent and reduce others forms of harm, such as workplace injuries. The council recommends that employers take a similar approach, developing risk mitigation strategies based on the nature of the workplace, composition of the workforce, and workplace practices.¹⁵⁰

What is a Climate Survey?

Employers can conduct a climate survey in their workplace to take stock of the organisational attitude towards sexual harassment. A climate survey measures the extent to which sexual harassment is tolerated in the workplace by asking employees about their understanding and awareness of sexual harassment, their perceptions of how it is dealt (or not dealt with) with by their workplace. It does not require employees to understand the technical or policy definitions of sexual harassment.

The Organizational Tolerance for Sexual Harassment Inventory is an example of a climate survey.¹⁵¹ It asks employees to review six vignettes that describe cases of gender harassment, unwanted sexual attention, and sexual coercion and then rate the likelihood of different outcomes (retaliation, complaint taken seriously, harasser faces consequences) if a woman in their department was to report each case. Organisations in which employees perceive a high risk of retaliation and a low likelihood that the report is taken seriously and the harasser faces consequence, are deemed to have a high tolerance for sexual harassment.¹⁵²

145 Women and Equalities Select Committee (2018)

146 National Academies of Sciences, Engineering, and Medicine (2018)

147 Women and Equalities Select Committee (2018)

148 Campbell & Chinnery (2018)

149 McDonald et al. (2014), p. 52

150 AHRC (2020)

151 Hulin, C. L., Fitzgerald, L. F., & Drasgow, F., (1996). Organizational influences on sexual harassment. In M.S. Stockdale (Ed.), *Women and work: A Research and Policy Series*, 5, *Sexual harassment in the workplace: Perspectives, frontiers, and response strategies* (pp. 127-150). Sage Publications.

152 O’Leary-Kelly et al. (2009)

Two organisational factors, the number and role of women in the organisation and leadership commitment, have been identified in the literature as important predictors of organisation's tolerance for sexual harassment and levels of harassment.

The number and role of women

Sexual harassment is a cause and consequence of sex inequality and has been linked to forms of gender inequality in the workplace, including the gender pay gap and lack of women in senior leadership roles¹⁵³ – and wider power structures in society.¹⁵⁴ Studies have conclusively demonstrated that sexual harassment levels are higher in workplaces with more men than women, where the leadership is dominated by men and where nature of work is “traditionally” male (such as construction or law)¹⁵⁵ because in these environments, gender inequality norms are reinforced.¹⁵⁶ For example, in a survey of 1,533 women in Great Britain, the TUC found that 69% of women working in the (male-dominated) manufacturing sector had been sexually harassed compared to 52% of women across all sectors.¹⁵⁷

Women in high-ranking positions and in roles traditionally occupied by men are also more likely to experience sexual harassment¹⁵⁸ because sexual harassment is a mechanism through which men can enforce traditional gender behaviour and take power away from women.¹⁵⁹ A survey by PWC for Business in the Community of women aged 28 to 40 found that whilst 12% of women across all job levels reported experiencing sexual harassment, 17% of women at the board or director level did so.¹⁶⁰ The presence of more women, particularly in leadership positions, has been found to change workplace culture because sexualised climates and sexual harassment are tolerated less.¹⁶¹ As a result, wider actions to increase gender equality in the workplace – such as targeted efforts to increase the number of women in senior positions – are essential steps in the effort to tackle sexual harassment.

Offermann and Malamut investigated harassment by leaders and found that the presence of leaders whose identities were similar to those most likely to experience sexual harassment – ethnic and racial minority women – reduced the likelihood those women experienced harassment. The authors conclude that these results suggest that including more women of colour in senior leadership positions will reduce the likelihood of other women of colour experiencing harassment.¹⁶² In 2020 in the UK, women made up only 6% of CEOs of FTSE 100 companies and 35% of civil service permanent secretaries, but none were women of colour.¹⁶³ One barrier to increasing the representation of women of colour in senior leadership positions, and subsequently lowering women of colour's risk of experiencing harassment, is their fear of interacting with white men who can help them to progress. In interviews with 37 Black women, Buchanan heard that because of stereotypes of Black women as promiscuous, they were nervous of interacting with white men, out of concern that the men may interpret this as an invitation for a sexual relationship and sexually harass them. By protecting themselves,

153 Women and Equalities Select Committee (2018)

154 AHRC (2020)

155 However, women in traditionally female occupations, such as hospitality, retail and healthcare, are more likely to be at risk of third-party harassment; Hunt al. (2010); Lee, J. (2018). Passive leadership and sexual harassment: Roles of observed hostility and workplace gender ratio, *Personnel Review*, 47(3), 594-612.

156 Campbell & Chinnery (2018)

157 TUC (2016)

158 National Academies of Sciences, Engineering, and Medicine (2018)

159 Campbell & Chinnery (2018)

160 Nawrockyi, K., Swiszcowski, L., Saunders, R., & Colquhoun-Alberts, T. (2014). [Project 28-40: The Report. Business in the Community and PWC.](#)

161 Dobbin, F. & Kalev, A. (2017). [Training programs and reporting systems won't end sexual harassment. Promoting more women will.](#) Harvard Business Review.

162 Offermann, L. R., & Malamut, A. B. (2002). When leaders harass: The impact of target perceptions of organizational leadership and climate on harassment reporting and outcomes. *Journal of Applied Psychology*, 87(5), 885.

163 Kaur, S. (2020). [Sex & Power 2020.](#) The Fawcett Society.

these women were forced to limit access to the benefits of close working relationships with these men, including career advice and promotional opportunities.¹⁶⁴

The National Academies of Sciences, Engineering, and Medicine report on sexual harassment summarizes the importance of diverse and inclusive environments for tackling sexual harassment:

“Diverse and inclusive environments are ones where cultural values around gender and racial equality align with a climate where policies and practices do not disadvantage groups of people, thereby making them incompatible with sexually harassing behaviour.”¹⁶⁵

Efforts to tackle sexual harassment therefore should be understood to function in conjunction with broader efforts to create more diverse and inclusive environments.¹⁶⁶

Leadership commitment

The culture of an organisation is reflective of its leaders. UN Women emphasises the importance of developing and demonstrating unequivocal leadership that publicly and frequently rejects sexual harassment and conveys how seriously it is taken. Sexual harassment policies and statements will be undermined if not endorsed by senior leaders in the organisation.¹⁶⁷ In a study of 237 employees in the United States, Lee found that employees were more likely to experience sexual harassment if they worked at a workplace with passive leadership – characterised by leaders that avoid decisions, do not respond to problem, fail to follow up on issues, and are absent when needed.¹⁶⁸ In contrast, a study of 9,725 women in the United States military found that women who felt those in positions of leadership were working to end sexual harassment and model respectful behaviour reported experiencing lower levels of sexual harassment in the past 12 months, were more satisfied with the outcome of their sexual harassment complaint (if they made one) and perceived that sexual harassment currently occurred less often in the military than it did a few years earlier, compared to those who did not think leadership was doing enough to end sexual harassment.¹⁶⁹

The cues that employers send about tolerance for sexual harassment have a powerful impact on the norms of the workplace.¹⁷⁰ As a result, a demonstrated commitment from the senior leadership team to tackle sexual harassment and consistent action is needed to foster an organisational culture that does not tolerate sexual harassment.¹⁷¹ In order to bring about change, it is imperative that employers go beyond compliance with current legal requirements and take proactive measures to prevent sexual harassment.¹⁷² This can begin with a statement from senior leaders that makes clear that sexual harassment is not acceptable in the workplace and they are committed to creating change to tackle it.¹⁷³ In their review of literature on sexual harassment, Campbell and Chinnery recommend that senior leaders signal that they plan to

164 Buchanan (2005)

165 National Academies of Sciences, Engineering, and Medicine, (2018), p. 124

166 Roofeh, A. (2020). Many new solutions to workplace sexual harassment in a post #MeToo era, but will they do the trick? In G. Chandra & I. Erlingsdóttir (Eds.), *The Routledge Handbook of the Politics of the #MeToo Movement (199-220)*. New York: Routledge.

167 Sen, P., Borges, E., Guallar, E., & Cochran, J. (2018). [Towards an End to Sexual Harassment: The urgency and nature of change in an era of #MeToo](#). UN Women.

168 Lee (2018)

169 Buchanan, N. T., Settles, I. H., Hall, A. T., & O'Connor, R. C. (2014) A review of organizational strategies for reducing sexual harassment: Insights from the U.S. Military. *Journal of Social Issues*, 70(4), 687-702.

170 National Academies of Sciences, Engineering, and Medicine (2018)

171 Women and Equalities Select Committee (2018); Zelin, A. I., & Magley, V. J., (2020). Sexual Harassment Training: Why it (Currently) Doesn't Work and What Can Be Done. In R. Geffner, V. Vieth, V. Vaughan-Eden, A. Rosenbaum, L. Hamberger, and J. White. (Eds.) *Journal: Handbook of Interpersonal Violence Across the Lifespan (1-21)*, Cham: Springer.

172 National Academies of Sciences, Engineering, and Medicine (2018)

173 Women and Equalities Select Committee (2018)

tackle sexual harassment by launching a new sexual harassment policy publicly, distributing the policy to all employees, and displaying the policy around the workplace.¹⁷⁴ Section 2.2 will cover the importance of, and ways of, communicating the workplace policy in more detail.

Key figures in the workplace should be engaged in this process, and employers should avoid assigning the responsibility to only women leaders. Engaging senior male leaders who can act as role models may be important for signalling that all employees have a role to play in tackling sexual harassment.¹⁷⁵ Employers can sign on to male Champions of Change programmes¹⁷⁶ that provide a network for male CEOs to learn practices to improve gender equality in the workplace and externally demonstrate their commitment to tackling sexual harassment.¹⁷⁷ However, the effectiveness of these programmes for preventing sexual harassment has not yet been evaluated.

The AHRC has said that in addition to taking action to address sexual harassment and challenge inappropriate conduct, leaders should celebrate positive behaviour in the workplace and be transparent about their organisation's shortcomings and how they will be addressed.¹⁷⁸ As an example of recognising their shortcomings, the GMB Union commissioned an independent investigation into sexual harassment within the union and its organisational culture. The independent commissioner, Karon Monaghan QC, concluded that the GMB was "institutionally sexist" and current policies were not clear or robust enough to deal with sexual harassment.¹⁷⁹ The GMB leadership, acknowledging the report was difficult to read, has committed to transform the organisation to better protect women.

Employers should also assess how their organisational structure may affect efforts to tackle sexual harassment. Organisations where power is largely concentrated at the top also tend to have higher levels of sexual harassment because employees feel unable to report sexual harassment perpetrated by senior managers who could retaliate by harming their career.¹⁸⁰ Related to this, accountability must be applied equally to all employees – including senior leaders. Throughout their inquiry, the AHRC heard of cases where harassers were not sanctioned because they were considered to be of higher value to the workplace compared to the employee who had been harassed. Behaviour such as this not only shows short-sightedness as organisations risk alienating the women in their workforce, but it also contributes to an organisational culture that is highly tolerant of sexual harassment.

The need for a holistic approach

Applying an industrial and organisational psychology lens to sexual harassment, Walsh and Magley explain that when a workplace's organisational tolerance for sexual harassment is high, its sexual harassment policies and procedures can implicitly and explicitly signal acceptance of sexual harassment. For example, employees may be unaware of the existence of a sexual harassment policy and perpetrators of harassment may not face any consequences.¹⁸¹ Their findings indicate that every element of employers' actions around sexual harassment – reporting, response, and prevention – are interconnected. Positive action in each area will foster positive action in other areas – but if one area is weak, all others will be as well. Action on sexual harassment needs to be taken in a holistic way; small changes based on

174 Campbell & Chinnery (2018)

175 Ibid.

176 Champions of Change Coalition. (2021). [About the champions of change coalition.](#)

177 Campbell & Chinnery (2018)

178 AHRC (2020)

179 Monaghan, K. (2020). [Investigation into sexual harassment and the management of sexual harassment complaints within the GMB.](#)

180 McDonald et al. (2008)

181 Walsh, B. & Magley, V. K. (2019). Don't forget the role of civility interventions in workplace sexual harassment. *Industrial and Organizational Psychology: Perspectives on Science and Practice*, 12, 39–41.

compliance and liability-avoidance are not enough.¹⁸² This is well demonstrated through the lens of violence prevention frameworks that outline three levels of prevention:

1. **Primary prevention strategies** aim to address the root cause of an issue and work to prevent an incident from occurring. Primary prevention actions to address sexual harassment include creating a culture that does not tolerate sexual harassment, implementing robust sexual harassment policies, and providing training to employees.
2. **Secondary prevention** actions take place immediately after an incident occurs and aim to prevent further harm and handle short-term consequences, including victimisations. Secondary prevention actions include responding to a report of sexual harassment fairly and effectively and issuing proportional sanctions to the harasser.
3. **Tertiary prevention actions** are long-term responses to an incident that aim to address the consequences of the incident. These include offering long-term support to employees who have been sexually harassed and monitoring the effectiveness of sexual harassment prevention strategies.¹⁸³

The following sections of the review will highlight how the culture of a workplace impacts the effectiveness of all other efforts to tackle sexual harassment – and how a workplace’s sexual harassment policy, reporting mechanisms, responses to reports and anti-sexual harassment training can reinforce the organisational tolerance or intolerance for sexual harassment.¹⁸⁴

What women say

In our call for evidence, women who had experienced sexual harassment told us that in order for there to be meaningful change in their workplace, there needs to be a concerted effort to create a culture that promotes gender equality and respect. Echoing the literature findings on the need for holistic changes (rather than e.g. simply training on sexual harassment), respondents wrote that the sexist and misogynistic attitudes that foster sexual harassment must be addressed. Respondents wrote that this involves tackling ‘old boys club’ mentality in the workplace that permits and – at times – encourages sexual harassment. They believed this could be done through increasing workplace diversity, in particular among senior leadership teams, so that outdated views are challenged, and these cultures are disrupted.

“It is common knowledge that the head of the department makes inappropriate sexual comments, and has hired men like himself. This was not tackled and it has permeated through the culture of the department which is 90 per cent men... [we need to] counteract the toxic, laddish and unprofessional culture.” **Woman in a non-management role in Information Technology**

Respondents to the call for evidence also reflected the literature highlighting the important role of senior management in tackling sexual harassment. They assert that senior leaders had a duty to establish a culture whether sexual harassment is acknowledged and addressed and thought that this could be done by senior leaders actively speaking on the issue and encouraging employees to report any experience of harassment.

There was also high support among women who responded to the call for evidence for regular climate surveys. Respondents believed regular climate surveys would be helpful for employers to recognise what happens in the workplace and to raise the profile of the issue. They also thought regular surveys may encourage men to reflect on their own behaviour:

182 Roofeh (2020)

183 McDonald et al. (2014)

184 National Academies of Sciences, Engineering, and Medicine (2018)

“If men had to they would see the questions and perhaps have to think about their own behaviour which, at the less serious end of the behaviours described, they may not realise amount to sexual harassment (although they should).” Lecturer at a university

The responses to the call for evidence demonstrate the need for a comprehensive approach to sexual harassment in the workplace that involves understanding and addressing the root causes of workplace sexual harassment.

What managers say

Asked what would improve their organisations’ approach to sexual harassment, managers offered similar responses to the findings in the literature and the call for evidence from women who experienced sexual harassment; managers wrote that there needs to be a culture change within organisations. To do this, managers said employers should do five things. First, they should ensure that senior leaders model good practice by not tolerating any form of sexual harassment and supporting managers and employees to make and handle reports of harassment. Managers recognised the importance of the behaviour of senior leaders for setting the tone of an organisation and believed that intolerance for sexual harassment must come from the top:

“The Directors are reluctant to ‘rock the boat’ and would rather drag it out and hope it goes away...Greater support from them would add weight to the process/policy and discourage this behaviour at any level.” Middle manager in the private sector

“We have a culture of saying the right thing, but not following through with process to stop harassment or sexual harassment. [The process could be improved if] senior leaders acted on reports of sexual harassment.” Middle manager in the public sector

Second, managers recommended that employers challenge workplace cultures that normalise sexual harassment by not only addressing major incidents of sexual harassment, such as sexual assault, but minor incidents as well, such as sexual jokes or being told to wear certain clothing:

“Low level sexual harassment in my shop is accepted/ignored. A senior manager telling you to undo an extra button on your shirt to sell more is deemed good advice and not inappropriate...[Employers should] focus on the culture of acceptance and how minor issues shouldn’t be ignored.” Middle manager in the private sector

Third, managers suggested that sexual harassment should be regularly discussed to signify the importance of tackling it and to counter the idea that it is rare and difficult to handle. They believed that by normalising the discussion of it, managers would understand that it is something that should be on their radar and that they should be equipped to handle. Finally, managers wrote that employers should tackle the wider issue of gender inequality in the workplace that contributes to a culture of tolerance of sexual harassment:

“There is a good system to respond to reports of harassment but less explicit is how to deal with more systemic issues of equality in the workplace as this remains hidden – although recent activity has begun around gender pay gaps.” Middle manager in the private sector

The findings from the manager survey indicate that there is an awareness of the seriousness of sexual harassment among managers and an effort to take action, but more proactive action is needed to challenge workplace cultures.

Conclusion and recommendations

This section discusses the key foundation to any employer efforts to tackle sexual harassment in the workplace: an organisational culture that does not tolerate it. Creating and maintaining a culture that is intolerant of sexual harassment is necessary for all other employer efforts – developing a clear sexual harassment policy, training employees, offering multiple reporting mechanisms and responding appropriately to reports– to be effective.

To create a culture that does not tolerate sexual harassment employers should:

- **Improve equality, diversity and inclusion within the organisation, particularly at senior levels.** Sexual harassment is a manifestation of gender inequality and discrimination in the workplace and society – and can interact with other types of inequality and discrimination (such as those based on race, sexual orientation, gender identity, disability, age, and religion) to produce unique forms of sexual harassment. Employers should work to improve the inclusion and equality of their workplaces and diversify their workforce, including by promoting women, particularly women of colour, disabled women, LGBTQ women into senior leadership positions; and ensuring that they can thrive there.
- **Demonstrate leadership commitment to tackling harassment.** Organisational culture flows from the top; leaders in an organisation should demonstrate that they take sexual harassment seriously by stating their commitment to eliminating it in the workplace and holding their peers, and themselves, to account.
- **Proactively communicate – and demonstrate through consistent actions when incidents occur – that any sexual harassment is unacceptable.** Employers should address all incidents of sexual harassment, small and large, with seriousness and professionalism. Employers should say that behaviours which may have been considered ‘normal’ will not be tolerated.
- **Conduct a climate survey to measure organisational attitudes towards sexual harassment.** Employers should anonymously ask their employees about the current status of sexual harassment in the workplace – how often it occurs, where it occurs, and whether it is viewed as acceptable –and then use findings to identify where action is needed and develop training, reporting mechanisms and risk mitigation strategies based on the nature of the workplace, composition of the workforce, and workplace practices.

2.2: Sexual harassment policies

There is a consensus in the literature that having a clear and detailed sexual harassment policy that is separate to a general harassment and bullying policy is a necessary foundation of employers’ approach to tackling sexual harassment.¹⁸⁵ Sexual harassment policies set the tone for how seriously the workplace takes sexual harassment; a vague policy can signal that the employer does not consider sexual harassment to be a priority in their workplace and does not have the processes in place to respond to cases appropriately. In contrast, a well-communicated and effectively implemented policy can signal that the workplace considers sexual harassment to be a serious issue and will respond to cases judiciously.¹⁸⁶ Policies also indicate what employees can expect if they experience sexual harassment or are accused of sexual harassment.¹⁸⁷ This is important not only for deterring sexual harassment,

185 Zelin & Magley (2020)

186 Women and Equalities Select Committee (2018)

187 Campbell & Chinnery (2018)

but also giving employees confidence that a sexual harassment report will be handled with care.¹⁸⁸ A sexual harassment policy that is evidence-based, implemented effectively, well communicated and understood by employees, and accompanied by preventative measures is essential in all workplaces' efforts to tackle sexual harassment.¹⁸⁹

The essential elements of a sexual harassment policy

What the literature says

Evidence reviews of employers' approaches to sexual harassment identify nine elements that should be in a sexual harassment policy¹⁹⁰:

1. **A policy statement** that prohibits sexual harassment in the workplace. The policy statement is often a "zero-tolerance" policy that states sexual harassment in any form will not be tolerated. There is mixed evidence on the effectiveness of such statements which will be explored further on in this section. Whether or not employers choose to include a zero-tolerance statement, the policy statement should explicitly state the employer is committed to preventing sexual harassment and all reports will be taken seriously.¹⁹¹
2. **A definition of sexual harassment** that clearly defines sexual harassment and provides examples of the range of behaviour that constitutes sexual harassment relevant to the workplace. It is vital to provide examples because research has found that perceptions of what constitutes sexual harassment vary between people (especially men and women).¹⁹² The belief that an experience was not serious enough to be considered sexual harassment is a reason why employees who experience sexual harassment do not report.¹⁹³ The examples should also include intersecting forms of sexual harassment, such as racialised sexual harassment and sexual harassment aimed at LGBTQ employees, to demonstrate how different employees experience sexual harassment.
3. **A description of who and where the policy applies to**, setting out who can perpetrate sexual harassment (including third-party individuals), who can be a target, and where it can occur (in the workplace, online/at home, on business trips, at company-sponsored events, etc.). In Great Britain, employers are currently not directly responsible for preventing sexual harassment by third parties, such as customers, under the Equality Act 2010, although the government has committed to legislating to change this^{194 195}. However, in a 2017 study by ComRes for the BBC, up to 18% of those who had experienced workplace sexual harassment said the perpetrator was a client or customer.¹⁹⁶ Therefore, effectively tackling workplace sexual harassment also involves protecting employees from third-party harassment – especially in sectors such as hospitality, retail, social care and healthcare where employees are at greater risk.¹⁹⁷

188 McCann (2005)

189 AHRC (2020)

190 Campbell & Chinnery (2018); McDonald (2011); McCann (2005); Women and Equalities Select Committee (2018)

191 Roehling, M. V. (2020). The Effective Use of Zero Tolerance Sexual Harassment Policies: An Interdisciplinary Assessment. *Labor Law Journal*, 71(2), 89-96.

192 Rubino, C., Avery, D. R., McKay, P.F., Moore, B. L., Wilson, D. C., Van Driel, L. ... McDonald, D. P. (2018). And justice for all: How organizational justice climate deters sexual harassment. *Personnel Psychology*, 71(4), 519– 544.

193 McDonald et al. (2011)

194 The UK Government announced in July 2021 that it will introduce explicit protections from third-party harassment in upcoming changes to protection against workplace harassment; Government Equalities Office (2021)

195 EHRC (2020)

196 Women and Equalities Select Committee (2018)

197 EHRC (2018).

4. **A guide of how to report sexual harassment.** This should include multiple avenues for reporting sexual harassment, the contact information for each avenue and a commitment to confidentiality.¹⁹⁸ Section 2.4 will outline best practices in reporting mechanisms.
5. **An outline of the responsibilities of management and staff** who witness sexual harassment or who receive a complaint of sexual harassment. Bystanders of sexual harassment should be encouraged to report an incident through a reporting channel.¹⁹⁹ Employees who receive a report of sexual harassment should be clear on what they are expected to do and if they then need to report to someone else.²⁰⁰ Section 2.4 will discuss formal and informal reporting in more detail.
6. **A description of the formal grievance or complaint and investigation procedure** that includes what steps will be taken and what support will be provided throughout the process to the employee who has experienced sexual harassment. There should also be information on how to determine if the incident involves criminal offences and what to do if this is the case.²⁰¹ Underpinning this description should be a commitment to ensuring the process is safe and credible.²⁰² Section 2.5 will outline best practices in formal investigation procedures.
7. **A description of the possible sanctions for committing sexual harassment and how sanctions will be decided.** Because each case is different, it is not possible to predetermine what sanctions will be automatically applied, but the sexual harassment policy should describe how sanctions will be decided, set out the range of sanctions available and state that sanctions will be seriously enforced.²⁰³ Section 2.5 will outline best practices in deciding sanctions.
8. **A statement of zero tolerance for victimisation** towards anyone involved in the case and an outline of steps the organisation will take to prevent victimisation. One of the main reasons sexual harassment is under-reported is that employees who experienced sexual harassment and bystanders fear they will be victimised for making a report.²⁰⁴ Prohibiting retaliation has been found to ease employees' fears and increase the likelihood that they will report.²⁰⁵ Victimisation is also against the law in the UK.²⁰⁶
9. **A commitment to reviewing and evaluating the policy.** Policies should be reviewed regularly to ensure they are kept up to date (for example, if the policy contains the names of designated people to report to, ensuring that these names are current as staff change) and amended in light of changes to the workplace (for example, if there has been a shift to working from home). Employers should survey employees on their perceptions of the policy and review the policy after incidents of sexual harassment to assess what did and did not work.²⁰⁷

198 McCann (2005)

199 McDonald, P. & Flood, M. (2012) [Bystander approaches to sexual harassment in the workplace](#). Australian Human Rights Commission.

200 Some workplaces choose to impose a mandatory duty to report (a "compelled disclosure policy") on employees who receive a sexual harassment report but there is evidence from university campuses that this can have a negative impact on those who are sexually harassed as they perceive a lack of agency and may prefer to make an informal report and receive advice before making a formal claim: National Academies of Sciences, Engineering, and Medicine, (2018); Some professions also require members of their profession to report any incidence of sexual harassment to the professional body. For example, the UK Bar Standards Board (BSB) requires all barristers to report harassment to the BSB: Bar Standards Board. (2017) [Bar Council equality and diversity guides: Tackling sexual harassment: Information for Chambers](#).

201 Women and Equalities Select Committee (2018)

202 Campbell & Chinnery (2018).

203 McDonald et al. (2014)

204 Madera (2017); Walker et al. (2019)

205 Campbell & Chinnery (2018)

206 EHRC (2020)

207 EHRC (2018)

Tackling sexual harassment begins with a strong organisational commitment and an understanding among employees that their workplace is serious about doing so. A policy that includes each of these components is not only a piece of guidance for the workplace about how to handle sexual harassment cases under the law, but a symbol of their commitment to preventing and responding to sexual harassment effectively.²⁰⁸ However, as will be discussed below, the existence of a sexual harassment policy in a workplace alone is not sufficient; it must be well-communicated and effectively implemented throughout the organisation.

What women say

Responses from the call for evidence with women who experienced workplace sexual harassment find support for the policy elements recommended in the literature. Respondents wrote that having a sexual harassment policy that makes clear that sexual harassment is not acceptable in the workplace would make them feel confident that their employer would respond to a report of sexual harassment:

“To have policy and procedure in place would have reassured me that I would be heard by my employer and this would’ve been acted on.” Mental health professional

They believed that the existence of a strong policy could set a tone of intolerance for sexual harassment and believed that the policy should be included in employment contracts to make the position clear from the outset of employment and encourage reporting:

“If organisations make it clear from the outset (employment contract) that there is a zero tolerance policy on bullying and harassment in the workplace, reporting harassment will be less of an ordeal for victims.” Financial services senior manager

As the literature recommends, respondents believed that sexual harassment policies should explicitly state zero-tolerance for retaliation. Respondents wanted reassurance that reporting sexual harassment would not affect their future career or lead to victimisation. They believed that this would make women feel safer to report and serve as an explicit warning to perpetrators who may retaliate. Respondents also believed that clear policies that detail the reporting and investigation process would make women more likely to report because they would know what to expect, making the process less intimidating.

What managers say

In the survey of managers, respondents were asked to what extent the different policy elements would give them confidence to respond to a report of sexual harassment. Figure 3 presents the results by gender. Support for all elements was high, with the greatest support for an outline of how to report sexual harassment (97% of managers agreed this would give them confidence) and an outline of the responsibilities of management and staff (96% agreed this would give them confidence). There was little variation in support between men and women or between sectors, organisation size and role within the organisation. Across the nine policy elements, there was slightly less support among managers with responsibility for managing five or fewer employees (compared to six or more) and managers with ten or less years of experience (compared to 11 or more). This may reflect lower confidence among less experienced managers in general.

In written comments, managers reiterated their support for a detailed sexual harassment policy. There were managers who reported that their workplace did not have a sexual harassment policy, or they did not know if it did, and believed that implementing one would

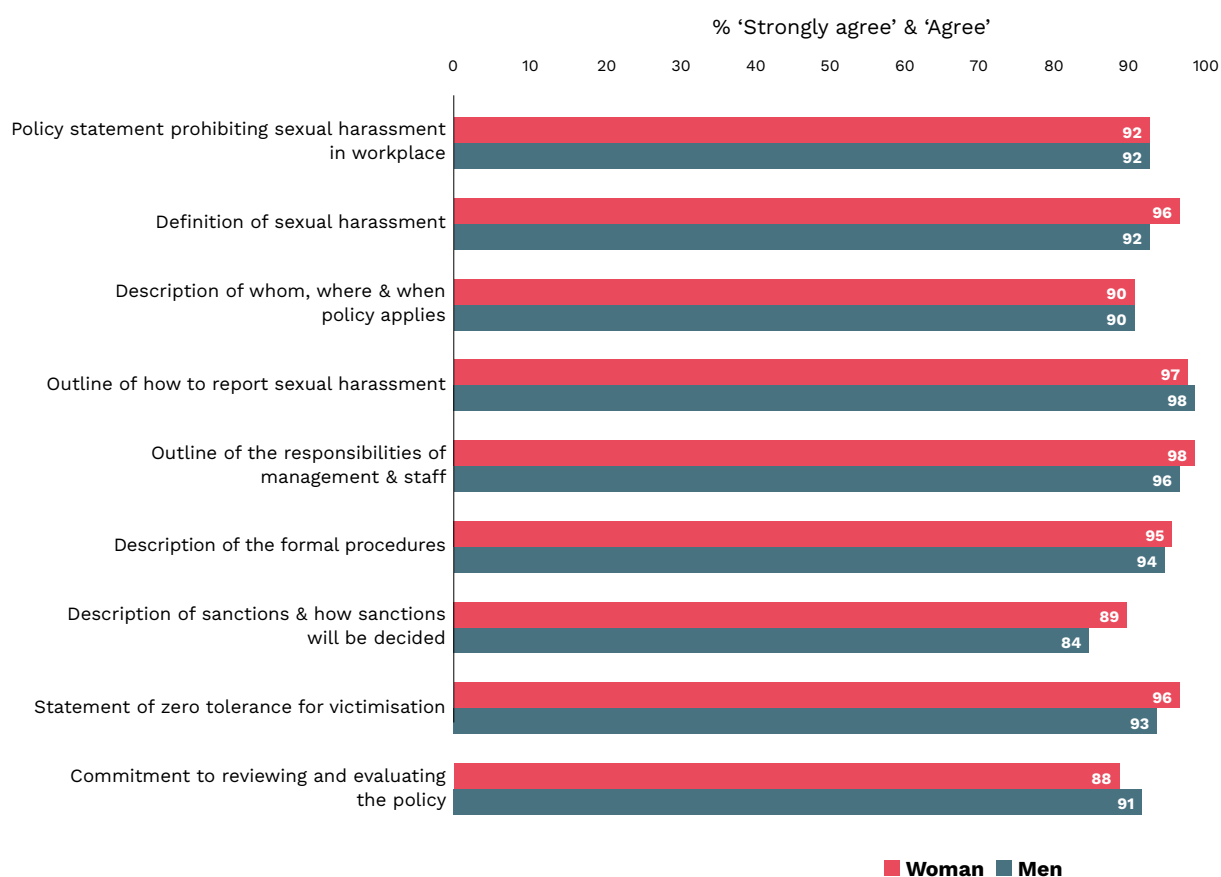
TACKLING SEXUAL HARASSMENT IN THE WORKPLACE

be the necessary first step to addressing sexual harassment. Among managers at workplaces with existing policies, there were also some who said the policy was out of date and needed to be updated to keep up to date with technological changes and changes to the law:

“The current policy appears to date from 1997 and is quite brief. The world has moved on a lot since then and sexual harassment can take more forms such as social media or up skirting.” Public sector middle manager

Managers with clear sexual harassment policies reported that these policies made them feel confident to deal with reports of sexual harassment and supported by their workplace. They appreciated policies that clearly stated the process for dealing with sexual harassment and set out what they were expected to do. They also appreciated policies that contained examples and proformas; managers reported these elements made the process easy to follow and assured them of their actions.

Figure 3: Agreement that policy elements would give them confidence to respond to a report of sexual harassment among managers by gender



Developing and communicating sexual harassment policies

What the literature says

Academics and practitioners have suggested that involving employees in the development of the sexual harassment policy may contribute to the overall effectiveness of the policy by helping to promote transparency, ensuring the policy works for employees, instilling a sense of ownership of the policy among employees, and raising awareness that the workplace is committed to tackling sexual harassment.²⁰⁹ However the evidence base is limited to few studies. Thomas investigated how universities in the UK developed their sexual harassment policies and found that a consultative approach (where different sectors of the university convened to develop the policy together) was more effective at conveying that harassment is not an individual problem than a top-down approach (in which the institution's senior-management team developed the policy in isolation).²¹⁰ Developing policies in consultation with employees is an opportunity to build workforce engagement and enhance buy-in at all levels.²¹¹

There are different ways to include employees in the development of policies: employers can convene a special task force with representatives from different teams or invite all employees to share their opinions through a survey, consultation period, or meeting.²¹² There are two examples of UK employers engaging their staff to develop a sexual harassment policy. The Crown Prosecution Service developed its Respect policy after conducting a survey with staff on their experiences of bullying and harassment in the workplace. Following events that highlighted the need to make clear what is and is not acceptable in the workplace, Save the Children worked with its employees to understand what is important to them, what they wanted to see in a policy, what a 'good' policy was to them, and what they expected from their employer.²¹³ There is no evaluative evidence on the impact of these consultative efforts.

The existence of a sexual harassment policy alone is not sufficient

A clear and detailed sexual harassment policy is necessary but alone cannot tackle sexual harassment:

- The study of academic staff members at higher education institutions in South Africa found that, even though 97% of respondents reported their workplace had a sexual harassment policy, there was little familiarity with it; 31% had a copy of their institution's policy, 25% had received training on it, 57% were aware of their rights when filing a report, and 36% knew how to file a report.²¹⁴ The authors conclude that the low levels of knowledge raise questions about employees' ability to recognise sexual harassment.

209 AHRC (2020); McDonald et al. (2014); National Academies of Sciences, Engineering, and Medicine (2018)

210 Thomas, A. (2004), Politics, policies and practice: Assessing the impact of sexual harassment policies in UK universities, *British Journal of Sociology of Education*, 25(2), 143-160.

211 Campbell & Chinnery (2018)

212 McDonald et al. (2014)

213 Women and Equalities Select Committee (2018)

214 Joubert, P., Van Wyk, C., & Rothmann, S. (2011). The effectiveness of sexual harassment policies and procedures at higher education institutions in South Africa. *SA Journal of Human Resource Management*, 9(1), 1-10.

- A study of Dutch police officers interviewed key leaders to identify whether the division had a comprehensive sexual harassment policy. Using data from a survey of 4,296 members of the police force collected through the Sexual Experience Questionnaire, the study found no statistically significant difference in officers' surveyed rates of sexual harassment victimization, between two districts where one had a comprehensive sexual harassment policy and the other had an uncomprehensive policy.²¹⁵

These examples show that employers cannot assume that simply having a sexual harassment policy will mean their employees know and understand its contents, or that it will have any effect on the rates of sexual harassment within their workplace. Reviews of evidence have concluded that policies will only be enacted if they are supported by a larger programme of culture change that includes internal awareness and communication of the policy.²¹⁶ The Equality and Human Rights Commission (EHRC) wrote to Britain's largest employers to gather evidence on whether they had a sexual harassment policy and if so, what it contained. The EHRC received responses from 234 employers. Even though almost all employers had a sexual harassment policy, most often it sat within a wider anti-harassment or diversity and inclusion policy, minimising its importance.²¹⁷

There is some evidence that, when a clear sexual harassment policy is in place and employees are aware of it, they are more likely to report if they experience sexual harassment.²¹⁸ A study of 161 academic staff at a university in South Africa found that employees who were aware of the contents of their institution's policy and knew what steps to take to report sexual harassment believed that the policy was effective for reducing sexual harassment.²¹⁹

Evidence suggests that, to signify that the sexual harassment policy is important, and to allow employees to locate it when needed, the policy should not be buried in other documents.²²⁰ Instead, it should be a standalone policy, separate from the workplace's general policy on harassment and bullying.²²¹ It should be easy to read, avoiding legal jargon and dense language.²²² Employers can use infographics, posters, and other accessible materials to publicise and draw attention to their sexual harassment policy. As part of the British Armed Forces' effort to tackle sexual harassment, the Army developed a poster and online media campaign focusing on unacceptable behaviours in the workplace. In a survey of 22,404 servicewomen and servicemen, 72% of respondents said they had seen the posters and among those who did, again 72% thought they were effective at raising awareness.²²³

Having a good sexual harassment policy in place can position employers to properly respond to and prevent sexual harassment, but they need to follow through with what is written. The following sections will highlight the importance of creating a culture where employees feel that they are able to report an experience of sexual harassment, that it will be taken seriously, and that appropriate disciplinary and remedial measures will be taken.

215 de Haas, S., Timmerman, G., Höing, M. Zaagsma, M., Vanwesenbeeck, I. (2010). The Impact of Sexual Harassment Policy in the Dutch Police Force. *Employee Responsibilities and Rights Journal*, 22, 311–323.

216 Campbell & Chinnery (2018); Women and Equalities Select Committee (2018)

217 EHRC (2018)

218 Madera (2017)

219 Joubert et al. (2011)

220 McDonald et al. (2014)

221 AHRC (2020)

222 National Academies of Sciences, Engineering, and Medicine, (2018)

223 Markson & Harvey (2018)

Zero-tolerance Policies

The evidence around “zero-tolerance” policies further illustrates the dangers of assuming a policy alone will prevent workplace sexual harassment. Zero-tolerance policies are sexual harassment policies that state that sexual harassment will not be tolerated, and any person found to be in violation will face disciplinary action.²²⁴ By adopting zero-tolerance policies employers aim to signify that they take sexual harassment seriously.²²⁵ This is important because believing that their report will be dismissed is a key reason that employees do not report sexual harassment.²²⁶ In practice, zero tolerance policies appear not to achieve the full intended impact and may even have the opposite effect in some cases.

A study of 101 employees working in a human resource department at an American university investigated the effects of different types of policies (a zero-tolerance policy, a standard policy, and no policy) on the likelihood of bystanders to report sexual harassment. Participants were randomly assigned to read one type of policy and to read a vignette describing a sexual harassment scenario. They were told to imagine they were a bystander observing the scenario and were asked to indicate how likely they would be to formally report the incident to the employer. Participants assigned to the zero-tolerance policy were significantly more likely to say they would report.²²⁷

This study was an experiment and unlikely to be generalisable to real-life work situations where employees do not read their employer’s sexual harassment policy before observing an incident, and where they may face social pressure not to report. In practice zero-tolerance policies have not been found to eliminate sexual harassment in the workplace. In a baseline sample of military women in the United States, 73% had experienced sexual harassment in the workplace. After the introduction of a zero-tolerance policy, the rate of sexual harassment decreased but remained high at 59%. The authors conclude that this suggests a possible impact of the policy but doubt the effectiveness of zero-tolerance policy as a tool to eliminate sexual harassment because the underlying cultural context that promotes such behaviour remains unaddressed.²²⁸

There are three reasons that zero-tolerance policies are not effective at tackling sexual harassment. First, zero-tolerance policies typically have little impact because employees are not aware of them.²²⁹ Second, zero-tolerance policies may dissuade employees from reporting their experience if they think the consequence for the harasser will be greater than the seriousness of the harassment warrants²³⁰ – and if they fear reprisal for causing unfair punishment, this will further discourage reporting.²³¹

Third, they are often not consistently enforced. In the United States, Roehling argues that employers have adopted these policies to prove they have met legal obligations to prevent sexual harassment – a review of sexual harassment legal case outcomes finds that the existence of a zero-tolerance policy enhances employers’ ability to avoid liability. If simply having a zero-tolerance policy relieves employers of responsibility, then they have little incentive to make sure it is effective or properly enforced. When employers do not enforce zero-tolerance

224 Zero-tolerance policies can differ in their specificity of disciplinary actions. “Literal” policies state that *any* proven violation will result in termination of employment whereas “figurative” policies that state that proven violations will result in sanctions, but do not commit to a termination or a specific range of sanctions: Roehling (2020)

225 McCann (2005)

226 Roehling (2020)

227 Jacobson, R.K., Eaton, A.A. (2018). How organizational policies influence bystander likelihood of reporting moderate and severe sexual harassment at work. *Employee Responsibilities and Rights Journal*, 30(4), 37–62.

228 Firestone, J. M., & Harris, R. J. (2003). Perceptions of effectiveness of responses to sexual harassment in the US military, 1988 and 1995. *Gender, Work & Organization*, 10(1), 42–64.

229 Women and Equalities Select Committee (2018)

230 Campbell & Chinnery (2018)

231 McDonald et al. (2014)

policies or they apply the policy inconsistently, this undermines the message they are meant to send and can anger employees who believe their employer is saying and doing two different things.²³² The concept of “institutional betrayal” explains why it is important for employers to follow through on their commitments to preventing and tackling sexual harassment: through their words, leaders can create expectations of safety and justice, but if they do not meet those expectations through their actions, this can lead to further harm because not only do employees feel unsafe, but they experience a sense of betrayal.²³³

What women say

Women who had experienced sexual harassment also believed in the importance of communicating the existence and contents of sexual harassment policies. They believed that communication about workplace sexual harassment policies could help to establish a culture where sexual harassment is acknowledged and taken seriously.

“Making policies clear and open and encouraging people to speak about harassment would empower people to feel confident to fight the harassment if it happens.”

Hospitality worker

Respondents believed that greater communication about policies would help employees to be more knowledgeable about what is considered sexual harassment and how to report harassment; among respondents who did not report their experience of harassment, there were some that did not do so because they were not aware the behaviour constituted sexual harassment or what action to take. These women believed that well communicated policies would have increased their knowledge and gave them the tools to take action.

In line with the literature, women also wrote that the existence of a sexual harassment policy was not sufficient and wider culture change was needed to enable women to feel safe to make a report:

“A policy is not enough when there is a culture of acceptance and there are likely to be negative implications for you socially and in terms of your career prospects when you challenge sexual harassment.” Woman working in the third sector

What managers say

Among managers that responded to the survey, there was a wide variation in knowledge level about their workplace’s sexual harassment policy. At one end, there were managers who were well versed in their sexual harassment policy and believed that it was well communicated throughout their organisation. At the other end, there were managers who did not know whether their workplace had a sexual harassment policy:

“I have never come across the process or seen it written down anywhere. I have never been made aware of its existence.” Third sector middle manager

In the middle, there were managers were aware of their workplace’s policy, but did not think it was easy to find or well advertised:

“The policy is not widely advertised and personally, I have never been sent it to read as a line manager – it’s hidden in the depths of the intranet so not accessible and it is a document that would be required urgently rather than having to trawl through the intranet or obtain from a HR rep/line manager” Public sector middle manager

232 Roehling (2020)

233 Smith, C.P. & Freyd, J.J. (2014). Institutional betrayal. *American Psychologist*, **69**, 575–587.

“The policy needs to be visible. I have been in line management for 25 years and I can’t recall the issue ever being discussed in that time.” Private sector supervisor

This also included workplaces where the policy was included in a wider harassment policy:

“[There is] no set policy for sexual harassment, it just falls into policies relating to general bullying and harassment and the main disciplinary policy. It could be separated and made much clearer so that staff can more easily find the way to report harassment.”

Public sector middle manager

Managers recommend that workplaces make sexual harassment policies easy to locate and understand. They suggest that this be done by:

- Internal communication about where the policy is located
- Sharing the policy during the induction process and giving space for new employees to ask questions to ensure clear understanding
- Ensuring consistent messaging across all teams
- Including a flow-diagram or process map that outlines the actions to take step-by-step once an employee reports an incident of sexual harassment
- Regular reminders about the key elements of the policy.

Managers believed that by better communicating the sexual harassment policy, not only would it be better understood, but it would also demonstrate organisations’ commitments to tackling sexual harassment:

“At the moment the information is stuck up on the website and people are expected to go and look. While this is important something a little more proactive, and direct would help raise the issue.” Public sector junior manager

The suggestions put forth by managers are in line with findings in the research, underlining the need for organisations to not only develop strong sexual harassment policies, but to communicate them clearly and regularly.

Conclusion and recommendations

Developing a clear and detailed sexual harassment policy can be regarded as one of the first steps in building a robust effort to tackle sexual harassment in the workplace. But an equally important step is communicating the policy to employees. A sexual harassment policy that sits on a shelf, or in the dark corners of an organisation’s intranet, is of little value, no matter how strongly worded and detailed it is. A straightforward and well-known sexual harassment policy is not only useful to employees who have been harassed and managers who are handling reports of harassment, but it can also serve as a clear signal that employers take sexual harassment seriously, contributing to the development of an organisational culture that does not tolerate harassment.

In developing and communicating their sexual harassment policy, employers should:

- **Include employees in the development of the sexual harassment policy.** For example, this can be done through a task force comprising representatives from different teams and roles within the organisation or through an organisation-wide consultation.

- **Create a policy that includes nine essential elements:**
 - Policy statement
 - Definition of sexual harassment
 - Description of to whom, where, and when the policy applies, including while working from home
 - Guide of how to report sexual harassment
 - Outline of the responsibility of management and staff
 - Description of the formal grievance or complaint and investigation procedure
 - Description of the possible sanctions for committing sexual harassment and how sanctions will be decided
 - Statement of zero tolerance for victimisation and retaliation
 - Commitment to reviewing and evaluating the policy
- **Make the policy accessible for all.** Sexual harassment policies should not be written in legal jargon; instead, they should be written using simple and easy to understand words and concepts. Each section should be clearly defined and include simple to follow steps, illustrated in graphics where appropriate. For example, a flow-diagram outlining what happens when an employee makes a report. The policy should be available in paper and online formats, with accessible versions for employees with visual impairments.
- **Publish the sexual harassment policy as a standalone policy.** To increase visibility and signify its importance, an organisation's sexual harassment should be separate from other workplace harassment policies. It should be located in an easy to find location, such as the intranet homepage.
- **Communicate the policy to employees.** When introducing a new sexual harassment policy, senior leaders should share it with all employees, outlining its contents and importance. New employees should be introduced to the policy during their induction, not only so that they learn its contents but also as a means to signify the organisation's commitment to tackling sexual harassment.
- **Regularly advertise the policy and key elements.** Employers should raise employees' awareness about the policy by advertising it in internal communications. This can be in the form of posters, infographics and videos. The advertisements should include where employees can find the full version of the policy and key elements in it, such as the definition of sexual harassment and how to make a report.
- **Follow through on the policy statement.** To develop employees' trust in the policy, employers must deliver on the commitments made in it. Employers who choose to include a zero-tolerance statement need to ensure that they understand what that looks like and to carry it out in practice. Regardless of whether the policy is one of zero-tolerance or not, this means appropriately and proportionally disciplining anyone who is found to have committed sexual harassment, including behaviours that used to be 'normal'.

2.3: Anti-sexual harassment training

This section explores what is known and unknown about anti-sexual harassment training. It is important to highlight that training is not the only way to prevent sexual harassment; creating a strong sexual harassment policy, enabling reporting, responding sensitively and fairly to reports, and creating a workplace culture that is intolerant of sexual harassment

(such as one that communicates these actions strongly and clearly and is ensuring gender parity throughout the organisation, with women in all of their diversity in senior roles, as outlined in section 2.1 above) are all essential components of an effective employer effort to prevent harassment.

What the literature says

Even though anti-sexual harassment training is quite widely conducted, it is unclear to what extent common training methods actually work to prevent sexual harassment.²³⁴ There are two reasons for this. First, it may be that most training is not appropriate or effective at addressing the reasons that sexual harassment occurs – gender inequality and organisational cultures that permit sexual harassment. Second, it may be that training is effective, but because of limitations in evaluating training programmes, the impact goes undetected.

Roehling and Huang systematically reviewed 60 empirical investigations of the effectiveness of anti-sexual harassment training, offering the most comprehensive and up to date summary of what is known about anti-sexual harassment training. The authors concluded that there is evidence that anti-sexual harassment training is often effective at increasing employees' knowledge of their workplace's sexual harassment policy and internal reporting procedures, and is sometimes effective at increasing the likelihood that employees will label conduct as sexual harassment²³⁵ and changing attitudes (for example fostering empathy towards employees who were harassed) but there is less evidence that the training is retained and applied to actually reduce or prevent sexual harassment. This is because, as established in behaviour change literature, attitudinal change does not predict behaviour change well.

Few studies evaluate the effectiveness of training for changing behaviour and those that do, do not find a significant impact, offering little insight into what works.²³⁶ This is in part, because even if training is effective in achieving behaviour change and leads to a reduction in sexual harassment, the impact may be difficult to identify.²³⁷ In a rigorous evaluation of training programmes, baseline data collected before the training would be compared to data collected afterwards (and in a gold-standard evaluation, the data from a group who took part in the training would be compared with data from a group who did not, preferably randomly assigned to groups). However, as outlined above, the reported cases of sexual harassment in a workplace are often only a small proportion of the actual number of cases that occur.²³⁸ As a result, training that includes information on what constitutes sexual harassment, how to report it, and encourages employees to report, may appear to *increase* the levels of harassment in the workplace when in fact, the total level of harassment decreased but it was the proportion of *reported* cases that increased.²³⁹

Studies that conduct an anonymous pre- and post-training survey of employees to identify sexual harassment prevalence in the workplace are more reliable than using reporting rates, but are still susceptible to a false negative finding if employees apply a wider definition of sexual harassment to behaviours they have experienced post training.²⁴⁰ For example, before receiving training, employees may not know that sexual jokes are a form of harassment, and in a pre-training survey, may respond they have not experienced sexual harassment at their

234 Bagdasarov, Z., Olson-Buchanan, J., & MacDougall, A. E. (2019). Improving sexual harassment and sexual assault training effectiveness by aligning training efforts with business strategy. *Industrial and Organizational Psychology*, 12(1), 84-88; Zelin & Magley (2020)

235 Sometimes training can increase the likelihood too much, to cause employees to over identify behaviour as sexual harassment.

236 Roehling & Huang (2018)

237 Ibid.

238 Reese & Lindenberg (2003)

239 National Academies of Sciences, Engineering, and Medicine (2018)

240 Roehling & Huang (2018)

workplace. However, afterwards, armed with a better understanding of what constitutes sexual harassment, they may respond that they have experienced harassment, leading evaluators to falsely conclude that the training was ineffective, or increased the frequency of harassment.

The impact of training programmes may also be difficult to isolate if the training programme took place around the same time as other employer efforts to tackle sexual harassment, such as the introduction of a new reporting mechanism or a sexual harassment policy, as is often the case.²⁴¹ Another challenge of identifying what works in anti-sexual harassment training is that most studies that claim to assess the effectiveness of training do not investigate a specific programme, simply whether or not employees have received training. As a result, there is little information about the specific content or characteristics of the training (duration, mode of delivery, frequency) that might be related to effectiveness.²⁴²

Ineffective and counter-productive training

Researchers have observed that ineffective or untested anti-sexual harassment training has been able to continue because some employers care less about actually preventing harassment than shielding themselves from legal action.²⁴³ In the United States, Supreme Court decisions have led to an environment where the existence of anti-sexual harassment training is enough for employers to claim they took reasonable steps and avoid liability.²⁴⁴ Training in this environment can be counterproductive. There is evidence that when employees perceive that their employer is offering anti-sexual harassment training to avoid litigation, they are less motivated to take part, further reducing the likelihood the training is effective.²⁴⁵ Offering sexual harassment training for legal purposes only also undermines culture change efforts because it signals that employers are not serious about tackling sexual harassment.²⁴⁶

There is evidence that some training can have negative consequences. First, by creating a negative backlash against women among male employees.²⁴⁷ Bingham and Scherer compared 197 employees of a university who participated in a training programme with 319 employees who did not participate. They found that male participants were *less* likely than the men who did not participate (and both groups of women) to perceive coercive sexual harassment and be willing to report harassment, and they were *more* likely to blame the employee who experienced harassment for the harassment. The authors hypothesise that training that increases awareness and women's confidence in making a report may be perceived as threatening by men and they may blame the harassed employee as a defence mechanism.²⁴⁸ In their study of corporate sector employees, Dobbin and Kalev also found that anti-sexual harassment training that signals that male employees are potential perpetrators is followed by a decrease in women managers over time, likely because the training activates group threat among men who respond by trying to protect themselves by hiring more male employees.²⁴⁹ These are worrying findings, but come from a limited evidence base; more research is needed on the features of training programmes that may cause backlash and group threat. If valid, these findings also underline the need for comprehensive action by employers on sexual

241 Ibid.

242 Ibid.

243 Women and Equalities Select Committee (2018); Zelin & Magley (2020)

244 Dobbin & Kalev (2017); Roehling & Huang (2018)

245 Chappell, S. F. & Bowes-Sperry, L. (2015). Improving organizational responses to sexual harassment using the Giving Voice to Values approach. *Organizational Management Journal*, 12(4), 236-248.

246 Zelin & Magley (2020)

247 Steele, L. M., & Vandello, J. A. (2019). When training backfires and what can be done about it. *Industrial and Organizational Psychology*, 12(1), 30-33.

248 Bingham, S. G., & Scherer, L. L. (2001). The unexpected effects of a sexual harassment educational program. *The Journal of Applied Behavioral Science*, 37(2), 125-153.

249 Dobbin, F., & Kalev, A. (2019). The promise and peril of sexual harassment programs. *Proceedings of the National Academy of Sciences*, 116(25), 12255-12260.

harassment and the need for employers to take action to increase the number of women in management and senior roles.

Evaluations have also found that anti-sexual harassment training can lead to an over-identification of sexual harassment without any effect on the accurate identification of how to respond to sexual harassment scenarios.²⁵⁰ Goldberg investigated the impact of attending a lecture-based training session among 282 full-time professionals in the United States. Comparing trainees' intention to confront a harasser before and after the training, with employees who did not attend the training, Goldberg found that intention to confront was lower among those who attended. The author hypothesises this may have been a consequence of the content of the training which included a discussion on the negative consequences, such as retaliation, that can result from reporting.²⁵¹

There is still much unknown about what works in anti-sexual harassment training. To develop training and recommendations, academics have drawn largely on broader evidence on what works in workplace training generally and from training on topics similar to workplace sexual harassment, such as workplace diversity training and sexual violence on university campuses. The following sections set out practices that have been identified as likely to increase training effectiveness, as well as an exploration of bystander intervention training.

Tailoring anti-sexual harassment training

General best practice on employee training states that training should be centred on the specific needs of the organisation.²⁵² To develop a relevant training programme and strategy for tackling sexual harassment, employers need to understand the forms and patterns of harassment that are occurring in their workplace, where it occurs, and the characteristics of who perpetrates sexual harassment and who is targeted (both in terms of their position within the organisation, such as seniority level, and individual characteristics, such as race and ethnicity).²⁵³ For example, in a sample of military personnel in Britain, Markson and Harvey found that alcohol was present in 31% of reported sexual harassment incidents.²⁵⁴ Identifying “hotspots” allows employers to know where to focus.²⁵⁵

To effectively combat sexual harassment, employers also need to address the systems and cultures that allow it to happen. It follows that training should address behaviour that is unacceptable, not just technically legally actionable.²⁵⁶ It also means that employers should do a climate survey on the attitudes towards sexual harassment and perceptions of tolerance for harassment in the workplace.²⁵⁷ Training should be rooted in an approach based on ethics and values in the workplace.²⁵⁸ There is also evidence that employees' attitudes toward training, willingness to engage with it, and their perception that sexual harassment is an issue, impacts the success of training;²⁵⁹ if employees are cynical that sexual harassment is an issue, they will be less likely to engage.²⁶⁰

250 National Academies of Sciences, Engineering, and Medicine (2018)

251 Goldberg, C. B. (2007). The impact of training and conflict avoidance on responses to sexual harassment. *Psychology of Women Quarterly*, 31(1), 62-72.

252 National Academies of Sciences, Engineering, and Medicine (2018)

253 Medeiros & Griffith (2019)

254 Markson & Harvey (2018)

255 Women and Equalities Select Committee (2018)

256 EEOC Select Task Force on the Study of Harassment in the Workplace. (2017). [Key findings of the select task force on the study of harassment in the workplace](#). National Sexual Violence Resource Centre.

257 Campbell & Chinnery (2018); Medeiros & Griffith (2019)

258 Kelly, L. (2020). Stepping up to the challenge: [Towards international standards on training to end sexual harassment](#). *UN Women*.

259 Madera, J. M., Lee, L., & Dawson, M. (2019). Sexual harassment and sexual assault training: Consider the industry. *Industrial and Organizational Psychology*, 12(1), 96-99; Medeiros & Griffith (2019)

260 National Academies of Sciences, Engineering, and Medicine (2018)

There are many formal tools described in the literature that employers can use to capture baseline levels of sexual harassment, awareness, and attitudes. For example, the Sexual Experiences Questionnaire is a longstanding and validated American standard measurement tool that asks respondents if they have experienced specific behaviours that employers can use to measure the extent of sexual harassment in their workplace.²⁶¹ This could be adapted for context. Employers will also want to capture who the perpetrators are, where and when harassment has taken place, and as the means – including technology – that harassers have used. The OTSH Inventory, discussed in section 2.1, is another validated American tool that can be used to assess how seriously employees believe sexual harassment is treated in their workplace. In the Inventory, employees are presented with six scenarios describing different types of sexually harassing behaviour and are asked to select the likelihood of a range of outcomes (including the report being taken seriously and the harasser facing consequences)²⁶² Employers can use the information gathered through a survey to identify what needs to be improved to better support employees.

Any survey that employers use should be anonymous and ask employees if they have experienced specific forms of unwanted sexual behaviour in the workplace, rather than sexual harassment generally.²⁶³ Research has consistently found that generally asking about experiencing sexual harassment returns lower rates of prevalence because definitions of what constitutes sexual harassment varies between people.²⁶⁴

Once data has been gathered, training should be developed in line with the needs of the organisation. Employers are advised to avoid standard training packages and should instead tailor their training to the workplace, providing relevant examples.²⁶⁵ For example, training for employees in the hospitality industry should address sexual harassment from customers.²⁶⁶

Who to train

There is little definitive evidence for who should be given anti-sexual harassment training and when employees should be trained but broader training literature, including literature on diversity training, suggests that all employees should receive role-specific anti-sexual harassment training during their induction, and throughout their employment.²⁶⁷

The EHRC study of UK employers found that around two thirds trained line managers on sexual harassment and about one half trained other staff members.²⁶⁸ In addition to ensuring that all employees know about the workplace's sexual harassment policy and know how to report, training all employees may contribute to a greater understanding of what constitutes sexual harassment and how it can be prevented. Using data from United States federal government employees, Antecol and Cobb-Clark found that the proportion of employees who receive training is positively related to the likelihood that an individual employee will be aware of what constitutes sexual harassment.²⁶⁹ Training all employees may also prevent employees from feeling singled out as requiring training; if employees, particularly men, perceive that they have been selected to receive training because they are more likely to harass, this may cause resentment and unwillingness to engage.²⁷⁰

261 Ibid.

262 O'Leary-Kelly et al. (2009)

263 Feldblum, C. R. & Lipnic, V. A. (2016). [Select task force on the study of harassment in the workplace: Report of the Co-Chairs](#). U.S. Equal Employment Opportunity Commission.

264 National Academies of Sciences, Engineering, and Medicine (2018); Women and Equalities Select Committee (2018)

265 McDonald et al. (2014); Women and Equalities Select Committee (2018)

266 Madera et al. (2019)

267 Chappell & Bowes-Sperry (2015)

268 EHRC (2018)

269 Antecol, H., & Cobb-Clark, D. (2003). Does sexual harassment training change attitudes? A view from the federal level. *Social Science Quarterly*, 84(4), 826-842.

270 Medeiros & Griffith (2019)

It may be equally important to provide different training to different employees.²⁷¹ Managers, HR employees and senior leaders should receive training on how to respond to reports of sexual harassment.²⁷² Research has also suggested that training for managers should be broadened to include conflict management and communication and emotional skills to ensure that managers respond to reports of harassment empathetically.²⁷³

There are also suggestions that training should be different for men and women because of the research discussed above that has found that anti-sexual harassment training may have unintended negative consequences for men's perception and attitude to sexual harassment by activating gender stereotypes and creating a backlash against women.²⁷⁴ Offering men-only training may allow for honest and reflective discussion of masculinity, and women-only training may create a space for women to feel comfortable to share their experiences without worrying that the men they work with will perceive them as weak or quick to complain. However, there are no studies that assess the effectiveness of the impact of training men and women separately and there may be value in men hearing the experiences of their female colleagues first-hand.²⁷⁵ If training men and women together, careful consideration should be given to addressing the risk of men feeling defensive which is counter-productive.²⁷⁶

When to train employees

Anti-sexual harassment training should be part of the induction process *and* provided throughout employees' tenure.²⁷⁷ Training employees during induction is a way to ensure that all staff are aware of the sexual harassment policy, what constitutes sexual harassment in the workplace, how to report an experience, and that the employer is committed to preventing sexual harassment.²⁷⁸ However, the EHRC study of employers found that only two-fifths of employers who responded provided anti-sexual harassment training to new staff members.²⁷⁹ Providing regular refresher training can remind employees about their employer's policy and how to report.²⁸⁰ In line with other forms of education that seek to transform ingrained cultures and behavioural practices, it is necessary for anti-sexual harassment training to be reinforced regularly.²⁸¹ Training employees regularly may also help to signal that employers take sexual harassment seriously, and improve employees' satisfaction with their employer sexual harassment policy. In their study of Michigan municipal employees, Reese and Lindenberg found that in cities where employees attended training frequently and where training was perceived to be effective at reducing harassment, employees had high levels of satisfaction with their workplace's policy and procedure for dealing with harassment.²⁸² Kelly's review for UN Women points out that anti-sexual harassment training is less about communicating skills or knowledge, than asking people to change their ways of thinking and identities. This requires training to be immersive, in relatively small groups and delivered face to face with meaningful discussion included.²⁸³

271 Women and Equalities Select Committee (2018)

272 Campbell & Chinnery (2018)

273 McDonald et al. (2014)

274 Campbell & Chinnery (2018); National Academies of Sciences, Engineering, and Medicine (2018)

275 Medeiros & Griffith (2019)

276 Campbell & Chinnery (2018)

277 Chappell & Bowes-Sperry (2015)

278 EHRC (2018)

279 EHRC (2018)

280 McDonald et al. (2014)

281 Kelly (2020)

282 Reese & Lindenberg (2003)

283 Kelly, L. (2020)

Evaluating training

Employers who are serious about tackling sexual harassment should evaluate their training programmes for effectiveness.²⁸⁴ It is important that employers conduct pre- and post-training surveys of their workplace to understand how baseline levels of sexual harassment compare with post-training levels to assess whether training has been effective.²⁸⁵ Conducting regular follow-up surveys will allow employers to identify the impact of training and adjust their efforts as necessary. Employers should keep in mind the above discussion that if training is effective at encouraging reporting, rates of reported sexual harassment may increase following the training. Therefore, employers should conduct regular surveys over the long-term to measure progress. Through evaluations, employers can also ask employees for feedback and suggestions for improvement to training and monitor their awareness of and attitudes towards sexual harassment.

What women say

In the call for evidence, eight in ten (80%) of women said that their employer's response to sexual harassment would be improved if they took broader steps to prevent sexual harassment by holding training for employees. Respondents believed that training on workplace sexual harassment that explains what constitutes harassment and the impact it can have, may be effective in preventing harassment by teaching employees and managers that common workplace behaviour is not acceptable:

“[My employers should have] offered training awareness raising on it. The people committing the harassment were simply ignorant to it and good information would have probably stopped it.” Woman in the public service

“Largely the harassment began and was able to continue through the ignorance of the entire staff of what constitutes sexual harassment. Organisational training would have helped a lot.” Woman in the public service

Respondents also believed that training and discussing sexual harassment would work to make women who have experienced feel validated in their reaction to it and less alone. Women in the call for evidence also wanted to receive training on how to report harassment and the investigation and/or grievance process. They believed that this information would have helped them feel more knowledgeable and empowered.

In line with the research evidence on the importance of offering tailored training for managers, respondents recommended that senior staff should receive training on how to handle cases of sexual harassment. They believed that managers be trained in not only in the organisation's procedures, but also how to support women who come forward and make a report:

“[Employers should teach] Education and awareness for senior staff to understand and not invalidate the experiences of those who come forward. People are more likely to report if they feel they will be believed and supported, but one bad experience will send a message to other colleagues that reporting may not be safe and will discourage others from coming forward.” Woman in the private sector

284 Medeiros & Griffith (2019)

285 Zelin & Magley (2020)

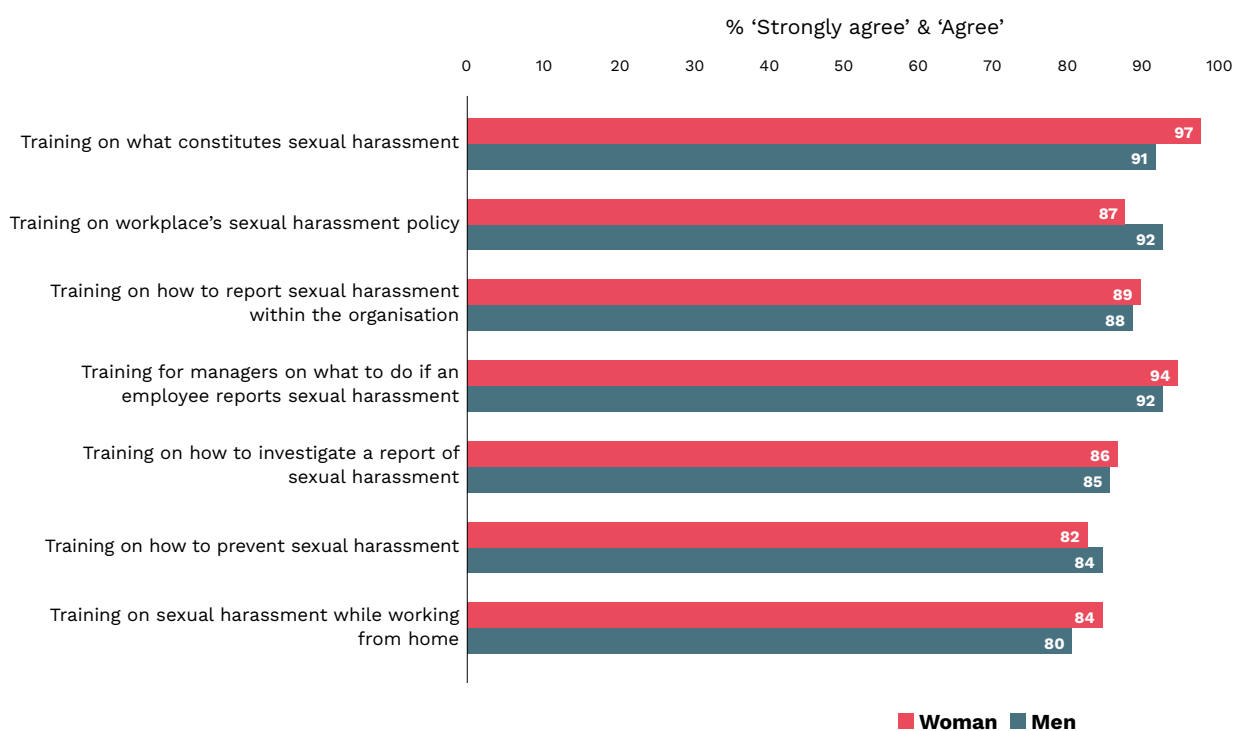
For many respondents, training was perceived as an important piece of a wider awareness raising and communication campaigns that they believed were necessary for tackling sexual harassment in the workplace.

What managers say

The findings of the manager survey reveal a strong desire among managers to be properly and thoroughly trained on sexual harassment, outlined in figure 4. Among women, support was highest for training that teaches what constitutes sexual harassment (97% agreed this type of training would give them confidence to respond to sexual harassment). Among men, support was highest for training that teaches the workplace’s sexual harassment policy (92% agreed this would give them confidence) and training that teaches managers what to do if an employee report an experience of sexual harassment (92% agreed).

Support for all types of training was generally higher among managers at large organisations. For example, 95% of managers at large organisations agreed that training on what constitutes harassment would give them confidence, compared to 85% of managers at SMEs. As with support for hiring an independent investigator, support may be lower among managers at small and medium enterprises (SMEs) because of a perception that their organisation lacks the resources available to hold training on sexual harassment. Junior and middle managers were also more supportive of all forms of training, compared to senior managers, with 86% of junior and middle managers agreeing that training on how to prevent sexual harassment would increase their confidence compared to 77% of senior managers, for example. This likely reflects the below findings that junior and middle managers are less confident in dealing with sexual harassment generally.

Figure 4: Agreement that policy elements would instill confidence to respond to a report of sexual harassment among managers by gender



Managers who had not received training on how to handle reports of sexual harassment expressed frustration that they had not been trained and wrote that they wished to be so:

“Given how serious this is as a line manager I have no training on this at all. It feels like something that within my organisation, all managers should be trained on.” Middle manager in the public sector

“[My employer should] hold sessions about the process outlining the steps and support available – this has never happened since I’ve worked in my organisation.” Middle manager in the public sector

They recommended that training sessions for managers be made mandatory and offered regularly, not only during employee onboarding, to assist in keeping tackling sexual harassment on managers’ agenda. Managers also recommended that training covers how to make a report, what constitutes sexual harassment, anti-gender discrimination and unconscious bias training to address wider issues of gender inequality in the workplace.

Bystander intervention training

What the literature says

Bystander intervention training is an established form of training to prevent sexual assault and violence against women.²⁸⁶ There is good evidence to suggest that is effective in universities, for students and staff.²⁸⁷ It is based on the premise that there is a shared community responsibility to prevent violence. Traditional theory underlying how bystander interventions work is that individuals will be more likely to intervene if they believe there is a moral duty and social consensus to act.²⁸⁸ People taking part in bystander training are encouraged to think about how they might act to intervene by exploring the harms caused by the behaviour, building a social consensus that the behaviour is not acceptable, and fostering a sense of responsibility.²⁸⁹ Participants are taken through the five steps to bystander intervention: 1) noticing the event; 2) identifying it as a problem; 3) assuming personal responsibility for intervening; 4) deciding how best to intervene; and 5) intervening.²⁹⁰

Bystander intervention programmes are based on multiple theoretical models of behaviour change, pedagogy and social psychology²⁹¹. A bystander training programme is a way of teaching employees to identify sexual harassment and to act when they see or hear about someone experiencing it.²⁹² It teaches employees skills to intervene and support the employee who was sexually harassed through role playing situations.²⁹³ The intervention a bystander chooses to take can be direct or indirect, involve the employee who was harassed and/or harasser, and occur during or after the problem.²⁹⁴ Participants are led through the process of noticing an event, identifying it as a problem and feeling responsible to act (the first necessary steps to bystander intervention) using social norms theory to help them understand and challenge dominant social norms around the acceptability of sexual harassment.

286 Zelin & Magley (2020)

287 Campbell & Chinnery (2018); Fenton, R. A., & Mott, H. L. (2015). [The Intervention Initiative: Student feedback February 2015](#). University of the West of England.

288 McDonald & Flood (2012)

289 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.

290 Zelin & Magley (2020)

291 Fenton, R.A., Mott, H.L., McCartan, K. and Rumney, P.N.S. (2016) [A review of evidence for bystander intervention to prevent sexual and domestic violence in universities](#). Public Health England.

292 Lee et al. (2019)

293 National Academies of Sciences, Engineering, and Medicine (2018)

294 Ibid.

Bystander intervention training is thought to be beneficial to the workplace for several reasons. First, a critical function served by a bystander training model is that it frames men as potential allies, rather than simply potential harassers.²⁹⁵ As described above, there is a very real risk of 'backlash' or hostility developing among trainees if a training model makes them feel that men are being cast as villains and women as victims. People are not in a good place to learn well if they are feeling under attack, or angry or defensive. A bystander training model is "Positive, Inclusive and Empowering"²⁹⁶ and has been found to have the benefits of being interesting and engaging for learners as well as enhancing their communication and leadership skills.²⁹⁷ While it is difficult to measure changes in attitudes and behaviour, research trials of bystander programmes in educational settings that aim to address sexual violence suggest that they may well be effective in achieving those aims. A systematic review and meta-analysis of 24 studies evaluating programme outcomes and delivery methods found that students who participated in bystander programmes had more pro-social attitudes and beliefs about sexual violence and intervening to prevent it, and engaged in bystander behaviour at higher rates, compared to students who did not take part. Longer programmes were found to have greater effects than shorter programmes on attitudes and beliefs.²⁹⁸

A second benefit is that bystanders can provide support to employees who were harassed.²⁹⁹ The Women and Equalities Select Committee heard evidence from women who have experienced sexual harassment who said that when bystanders witnessed them experiencing sexual harassment but did not do anything or show any solidarity, it reinforced the idea that they should not report.³⁰⁰

Third, bystander intervention training has been proposed as an additional mechanism for employers to signal their commitment to addressing sexual harassment and to ensure there is a collective understanding that sexual harassment is not acceptable.³⁰¹ Fourth, bystanders may be more willing to report sexual harassment than the employee who was sexually harassed and who fears retaliation. However, there is no research in workplaces on what happens when bystanders report and what impact this has on the employee who was harassed. The AHRC inquiry on workplace sexual harassment did hear from bystanders who report experiencing negative impact from witnessing an incident of, and feeling unable to act on, the sexual harassment of others.³⁰²

Assessment of the effectiveness of bystander intervention training in the workplace is limited other than in educational settings such as universities. However, a review by Mujal et al concluded that the evidence indicates programmes are effective at improving attitudes and behaviours regardless of setting. The authors also pointed out, however, that no research has been published examining the duration of attitude or behaviour change beyond 12 months after training.³⁰³ In an example of evaluated bystander intervention training with military personnel, Potter and Moynihan compared the behaviours over four and a half months of 114 participants in the Bringing in the Bystander programme with 280 non-participants. The authors found that receiving bystander training significantly increased the likelihood that the

295 Steele & Vandello (2019)

296 Berkowitz, A. (2013). [A Grassroots' Guide to Fostering Healthy Norms to Reduce Violence in our Communities: Social Norms Toolkit](#). Center for Disease Control.

297 Fenton & Mott (2015)

298 Jouriles, E. N., Krauss, A., Vu, N. L., Banyard, V. L., & McDonald, R. (2018). Bystander programs addressing sexual violence on college campuses: A systematic review and meta-analysis of program outcomes and delivery methods. *Journal of American College Health*, 66(6), 457–466.

299 McDonald & Flood (2012)

300 Women and Equalities Select Committee (2018)

301 Campbell & Chinnery (2018)

302 AHRC (2020)

303 Mujal, G. N., Taylor, M. E., Fry, J. L., Gochez-Kerr, T. H., & Weaver, N. L. (2021). A systematic review of bystander interventions for the prevention of sexual violence. *Trauma, Violence, & Abuse*, 22(2), 381–396.

soldiers would intervene if they witnessed a friend, acquaintance or stranger being sexually assaulted or stalked, and significantly increased their actions to prevent sexual assault and stalking.³⁰⁴

Bystander training is a promising form of workplace sexual harassment prevention but the applicability of bystander intervention training research to non-military workplaces is not yet clear. The main aim of bystander intervention training is to help to shift harmful and sexist social norms among participants. However, the contribution towards culture change made by training those participants to actively intervene may be more constrained in workplaces than on university campuses³⁰⁵ for as long as the severe consequences (such as being ostracised, suspended or dismissed) that can follow those who speak out against sexual harassment remain a realistic concern. Evaluations of bystander intervention training in workplaces are needed to establish their effectiveness.

What women say

We asked women in the call for evidence if they believed that if their colleagues had of been trained in bystander intervention, this would have improved their employer's response to their experience of sexual harassment. Over eight in ten (83%) agreed. Expanding on their response, respondents wrote:

“Training bystanders to recognise the signs could have an impact. I recall that one of the times I suffered harassment was in a meeting at which a senior male colleague was present. This colleague, despite sitting only two feet away from me, had failed to notice that my client’s hand had gone up my skirt and that I had frozen in response.” **Woman in the private sector**

“Training bystanders to intervene could create a culture that doesn’t accept harassment – the person being harassed may be too afraid or uncomfortable to stand up for their selves.” **Woman in the private sector**

Reflecting the literature on bystander intervention training, they believed that such training would not only teach colleagues when and how to intervene in cases of sexual harassment, but it would also help to change the culture of their organisation so that sexual harassment is no longer considered acceptable.

What managers say

In addition to the other forms of training outlined in the previous section, we also asked managers whether they agreed that bystander intervention training would give them confidence to handle reports of sexual harassment. Over eight in ten (82%) of managers agreed, with agreement higher among women (87%) than men (81%). Agreement was ten percentage points higher among managers in the public sector (85%) than managers in the private sector (75%) and 18 percentage points higher among managers at large organisations (87%) than managers at SMEs (69%). Managers agreed with the women who responded to the call for evidence that bystander intervention training would help to signal that all employees have a responsibility to step in when sexual harassment occurs and all employees have a part in preventing it.

304 Potter, S. J. & Moynihan, M. M. (2011). Bringing in the Bystander in-person prevention program to a U.S. military installation: Results from a pilot study. *Military Medicine*, 176(8), 870-875.

305 Zelin & Magley (2020)

Conclusion and recommendations

Although there is still much that is unknown about how best to design anti-sexual harassment training to prevent harassment from occurring, it is an important tool for employers to use in their efforts to change the culture of their organisation. Anti-sexual harassment training can include teachings on how to prevent harassment, but it can also include important information on how to report sexual harassment and how to respond to a report. By holding regular anti-sexual harassment training, employers can raise awareness about sexual harassment and demonstrate their commitment to tackling it within their organisation.

Despite the remaining questions about what type of training is most effective for prevention, there are key learnings from research evidence that employers can use to develop a training programme that fits the needs of their organisation:

- **Run training alongside other efforts to tackle workplace sexual harassment.** Employers should not expect that training alone can prevent sexual harassment from happening in their workplace. Instead, training should be part of a wider package of action on sexual harassment that seeks to change the culture of the organisation.
- **Tailor training to the needs of the organisation.** Before training employees, employers should conduct a climate survey to identify sexual harassment “hotspots” and gauge employees’ attitudes towards harassment. The data gathered from the survey should be used to tailor the training to the needs of the workplace, addressing misconceptions and ideas that perpetuate norms that are tolerant of sexual harassment. The training should also include examples that are applicable to the workplace. For example, training for healthcare staff should include training on preventing and handling sexual harassment from patients. As well, the training should include examples of different forms of sexual harassment that could occur in the workplace, such as racialised sexual harassment.
- **Train all employees.** All employees should be trained in what constitutes sexual harassment, who is targeted and by whom, the harm it can cause, how to report it, and the importance of preventing it. Employers may choose to train men and women separately to allow for honest and safe discussions; if employers choose to do so, this reason should be made clear, so that men do not think they are being singled out for training because they are perceived as a threat.
- **Hold role-specific training for managers and investigators.** In addition to training for all employees, managers should also receive training in how to respond to a report of sexual harassment. If employers plan to conduct any necessary sexual harassment investigations internally, designated employees should also be trained in how to conduct investigations in a trauma-informed manner.
- **Hold bystander intervention training.** All employees should be trained in bystander intervention, not only because it teaches employees to act when they witness harassment but also because it works to create a shared understanding that sexual harassment is not acceptable in the workplace.
- **Train employees during the induction process and regularly throughout their tenure.** By training employees during induction, employers can immediately signify that the organisation takes sexual harassment seriously. Subsequently training employees at regular intervals will help to remind them of key points and further signify the importance of tackling sexual harassment in the workplace.

- **Evaluate the training.** Employers should conduct pre- and post-training surveys to monitor the effectiveness of the training, keeping in mind that positive outcomes (i.e. a reduction in sexual harassment rates) may only be apparent in the long-term. Employers should adapt training based on employee feedback and suggest

2.4: Reporting sexual harassment

Workplace sexual harassment is consistently underreported. Section 1.2 outlined findings from a national survey in Britain that found that four in five cases of sexual harassment in the workplace are not reported.³⁰⁶ The section also covered five reasons the reporting rate is so low: 1) the employer or employee minimises the seriousness of the experience; 2) the employee lacks faith in their employer’s response; 3) the employee holds little power in the workplace; 4) the employee fears negative personal consequences; and 5) the employee faces structural and procedural limitations. To address these barriers, employers can create multiple avenues for reporting sexual harassment. The rationale for multiple reporting avenues and possible mechanisms are explained below.

What the literature says

Traditionally, sexual harassment reporting procedures have relied on a grievance model used in workplace disputes and conflict. In the grievance model, the only way to request support and action from an employer is to file a complaint, typically to an immediate supervisor.³⁰⁷ This model can discourage employees who have been harassed who do not feel comfortable reporting to the designated person (especially if that person is the harasser or is supervised by the harasser),³⁰⁸ who do not want to go through a grievance procedure,³⁰⁹ who do not trust their employer to handle their report sensitively or confidentially,³¹⁰ and who occupy marginalised positions in the workplace.

Offering multiple reporting avenues has been proposed as a way to counter these issues. As a starting point, “multiple reporting avenues” refers to allowing employees to make an informal or formal report. A formal report is the standard grievance procedure: it involves making a verbal or written complaint to someone in the workplace. Once the report is recorded, the workplace follows a grievance or disciplinary procedure to investigate the complaint, decide on the case, and issue sanctions if necessary.³¹¹ An informal report involves telling someone – within or outside of the workplace – about the experience without it being formally recorded or starting a formal grievance procedure or investigation.³¹² The harasser may be spoken to about the report, but no enforceable punishments can be given.³¹³ Whereas the goals of a formal report are to ensure the behaviour stops and to sanction the harasser, the goals of an informal report can be to facilitate advice and support and/or stop the behaviour through conciliatory means.³¹⁴ For example, an employee may receive advice on how to discuss the issue with the harasser or mental health support.³¹⁵ After making an informal report, the

306 TUC (2016)

307 Best et al. (2010)

308 McCann (2005); McDonald et al. (2014)

309 National Academies of Sciences, Engineering, and Medicine (2018)

310 Best et al. (2010)

311 McCann (2005)

312 National Academies of Sciences, Engineering, and Medicine (2018)

313 McCann (2005)

314 Campbell & Chinnery (2018)

315 Women and Equalities Select Committee (2018)

employee may also be advised to make a formal report, especially in cases of the most serious harassment.³¹⁶

To offer an informal reporting process serves a number of purposes. First, it gives agency and control to the employee to decide what actions they want taken, rather than following a strict grievance procedure that can be drawn out and stressful.³¹⁷ Informal actions may be useful in less serious cases where the harasser's employment will not be terminated and the two employees will continue to work together.³¹⁸ This may help to lessen the fears of employees who have experienced harassment that they will face retaliation and victimisation. Additionally, it allows sexually harassed employees to access workplace adjustments or support services, such as counselling, that may previously only have been available after employees made a formal report.³¹⁹

However, informal reporting may not appropriate for more serious forms of harassment, and/or if there is a risk that the harasser will harm other employees.³²⁰ Outcomes of informal reports, such as a supervisor privately explaining to the harasser that the behaviour is unacceptable and must stop, do not carry as much weight as formal sanctions, possibly reducing their effectiveness in preventing future incidents.³²¹ There is also the risk that the supervisor does nothing at all. For example, in interviews with 40 women faculty members in science, engineering and medicine in the United States, Lindquist and McKay found it was common for participants to submit a formal report after informal reporting failed to lead to action. A professor reported that everyone in her department, including the chair, told her they were on her side but never took any action to discipline the harasser.³²² The final risk of informal reports is that, by not issuing a tough and public sanction, an employer may be perceived not to take the incident seriously. This could have implications for the likelihood of other employees coming forward to make a report; as explained above, one of the biggest barriers to reporting is the fear that it will not be taken seriously, and when action is informal or private, only the harasser and supervisor (and occasionally the harassed person) knows that anything was done.

Multiple avenues of reporting can also refer to the different people who are told and the mechanisms of reporting. Some employers have a designated staff member, or members, trained to receive reports and provide support. This person may be called a dignity adviser, ombudsperson, or anti-sexual harassment pioneer or lead.³²³ There appears to be a lack of publicly available data about the satisfaction of employees who have been sexually harassed with reporting to 'champions' and there is also an absence of data to show how long such initiatives might be expected to last. Evidence does show that victim-survivors of sexual violence report high satisfaction when they speak to *specialist* advisers, and the need for specialist support in cases of sexual violence in the criminal justice system has been fully recognised and validated by research. For example, an evaluation of a pilot of Independent Sexual Violence Advisors by SafeLives found that survivors of sexual violence were more likely to be able to live their life to the fullest after accessing support, compared to before.³²⁴ The evidence from the sexual violence sector suggests that workplace champions should receive specialist training to handle reports and support employees. As well, to ensure champions are

316 Best et al. (2010)

317 National Academies of Sciences, Engineering, and Medicine (2018)

318 Campbell & Chinnery (2018)

319 National Academies of Sciences, Engineering, and Medicine (2018)

320 McCann (2005)

321 Campbell & Chinnery (2018)

322 Lindquist & McKay (2018)

323 EHRC (2018); Liu, H. (2017). When whispers enter the cloud: Evaluating technology to prevent and report sexual assault. *Harvard Journal of Law & Technology*, 31(2), 939-961.

324 SafeLives. (2017). [Insights sexual violence pilot with victim support services.](#)

able to provide targeted and appropriate support to employees who have experienced sexual harassment, champions should be responsible for providing support on sexual harassment only, rather than general ‘dignity at work’ support.

Regardless of whether workplaces have designated champions, there should be more than one person employees can make a report to.³²⁵ These complaint handlers should be spread throughout levels of management so that employees of different levels feel comfortable making a report, as employees may not feel comfortable reporting up for fear of career consequences, but may feel secure in reporting to colleagues at or below their level.³²⁶ In small businesses with limited options, this may involve offering an independent person or service for employees to turn to.³²⁷ Where allegations are particularly serious, or where there may be concerns about bias, an independent external investigator may be preferred.³²⁸ Independent and external investigators have been introduced in a number of settings (for example, the UK Parliament³²⁹) because they offer reassurance to victims about integrity and impartiality. In a study of UK universities, Thomas found that universities that had a “network” approach to reporting, where employees could report to different people, such as a member of HR or an Equal Opportunities officer, had higher reporting rates than universities with a linear reporting structure in which employees had to report to their line manager.³³⁰ Employers are increasingly using online reporting systems, either managed internally or through a third-party organisation.³³¹ The systems can range from tick-box forms to forms that allow employees to submit in-depth reports. There are concerns that online systems might increase the risk of false accusations,³³² but there have been no evaluations of online systems to determine whether these concerns are valid. Some specialists who work with women who have been sexually assaulted have argued that there is value in being able to talk to someone about your experience who can be empathetic, rather than filling out a form.³³³ However, developers of online systems used at universities have argued that the more impersonal nature of online systems may be more suitable or attractive in the first instance, for those who struggle to overcome the barriers of their need for privacy or feelings of social anxiety about handling the possible reactions of people in a more personalised reporting situation.³³⁴ Independent evaluations of online reporting systems are needed to understand their acceptability and effectiveness in the workplace. Employers also use telephone hotlines, sometimes known as integrity hotlines, that can be automated or staffed (often by a third-party organisation or charity). For example, Save the Children has an integrity line run by Crime stoppers for employees who feel unable to raise issues internally and the Police Force has a confidential hotline run through their anti-corruption unit.³³⁵ There is no published evidence about the perceptions of employees who have experienced harassment of these systems compared with in-person reporting.

325 McCann (2005)

326 McDonald et al. (2014)

327 AHRC (2020)

328 UN Women (2021). [Women’s Empowerment Principles: Gender-based violence and harassment at work Policy Template.](#)

329 Kelly, R. (2021). [Independent Complaints and Grievance Scheme.](#) House of Commons Library, Briefing Paper no. 08369

330 Thomas (2004)

331 EHRC (2018)

332 Markson & Harvey (2018)

333 Women and Equalities Select Committee (2018)

334 Culture Shift (2020) [Exceeding expectations: Guidance on tackling harassment and sexual misconduct by Culture Shift.](#)

335 Women and Equalities Select Committee (2018)

Anonymous reporting

A form of informal report that employers can offer are anonymous reports. Anonymous reporting allows employees who have been sexually harassed to report their experience without naming the person(s) involved and without disclosing their own identity.³³⁶ Employers can create their own webforms, phone apps, or telephone hotlines to handle anonymous reports, or they can contact a third-party organisation to offer these reporting mechanisms.³³⁷

In a forthcoming literature review, Busby investigates the use of anonymous reporting mechanisms in the UK, assessing their benefits and pitfalls. Busby cautions that are no systematic evaluations of anonymous reporting systems and, as a result, any assessment of their benefits and pitfalls are speculative. The primary advantage of anonymous mechanisms is they may remove employees' fears of retaliation or negative consequences for their career, giving more employees the confidence to make a report – externally managed mechanisms may be particularly effective for achieving this if employees have little faith in their workplace's internal systems.³³⁸ Data on the use of a reporting platform in Higher Education shows that there is a preference for anonymous reports among many who have experienced harassment: when given the choice between a named or anonymous report, 47% chose to make an anonymous report, demonstrating that when available, anonymous reporting is used.³³⁹

Depending on the mechanism, employees who file an anonymous report may receive advice or encouragement that then makes them comfortable to file a named report. Anonymous reports can also provide employers with data on the forms of sexual harassment taking place in their organisation that they can use to inform and develop anti-sexual harassment training or launch an independent investigation into the allegations made in the report.³⁴⁰ For example, University College London publishes data on anonymous reports of bullying, harassment, and sexual misconduct. The data is fully anonymised and is used to increase transparency, conduct environmental investigations, and target interventions at hotspots.³⁴¹

Busby also highlights drawbacks of anonymous mechanisms. First, no direct action can be taken immediately to sanction the harasser or support the person who has been sexually harassed. As a result, the harasser may go on to continue offending and the employer is not held responsible for taking any action. There is also a risk that offering anonymous reporting perpetuates the idea that experiencing sexual harassment is shameful and embarrassing,³⁴² although this idea is perpetuated most strongly through cultural ideologies regarding gender and sexuality (i.e. that women are to blame for being sexually harassed because of their behaviour or clothing).³⁴³

The risks with informal reports generally – that they signal the employer does not take sexual harassment seriously – are amplified with anonymous reports. In a workplace with a well-functioning sexual harassment policy and response, employees should feel safe to make a report and seek support from their employer. Anonymous reporting mechanisms acknowledge that an ideal workplace like this rarely exists – and some employees only wish to report that an incident occurred, rather than engage in a potentially long and difficult investigation process. However, properly tackling sexual harassment involves addressing a culture of tolerance for

336 National Academies of Sciences, Engineering, and Medicine (2018)

337 Liu (2017)

338 Busby N. (Forthcoming) Anonymous reporting of sexual harassment: A literature review. Engender.

339 Culture Shift (2020)

340 Busby (Forthcoming)

341 Office of the President and Provost (2020) [Bullying, Harassment and Sexual Misconduct: Annual Report 2019-20](#). University College London.

342 Busby (Forthcoming)

343 Weiss, K. G. (2010). [Too Ashamed to Report: Deconstructing the Shame of Sexual Victimization](#). *Feminist Criminology*, 5(3), 286–310.

sexual harassment. Employers can use data from anonymous reports to take a proactive approach to prevention and intervention, but there are no robust evaluations that measure the extent to which anonymous reporting mechanisms contribute to culture change within organisations. Employers who choose to offer an anonymous reporting mechanism should only do so in tandem with other named reporting mechanisms. For example, at the University of Exeter, students and employees can use an online tool to submit three kinds of reports: an anonymous report, a named informal report in which the person requests someone to contact them and advise them on their options, and a formal report.³⁴⁴

Employers may be reluctant to improve reporting mechanisms because, if better mechanisms mean more employees report, it may hurt the employers' image. This risk should not discourage employers; in order to properly address and prevent future incidents of sexual harassment, they must create an environment where employees feel safe to come forward. After all, as recent events after #MeToo have shown, organisational reputation and image can be severely damaged when stories emerge of failures to put good policies, procedures and preventative measures in place. Parallels can be drawn with best practice guidance in handling customer complaints that encourage organisations to welcome customer complaints as vital information on how to improve. For example, the Parliamentary and Health Service Ombudsman states that complaints are a valuable source of feedback that provide an audit trail, can be an early warning of failures, and can provide an opportunity for organisations to improve their service and reputation.³⁴⁵

Even though there is a consensus that employers should offer multiple reporting mechanisms, there is no conclusive evidence on the best reporting mechanisms because there has been little published evaluation of what works in the workplace, and because what is 'best' depends on whether the focus is upon prevention, victim satisfaction, avoiding legal liability, protecting reputation or transforming cultures. Much of the research so far comes from university settings where multiple reporting mechanisms have been created for both students and faculty to use, and it is not clear how well the approaches translate to workplaces of different sizes and with different resources. Policy approaches need to reflect a sophisticated understanding of the needs and rights of injured parties to have the most suitable tools for reporting and support in the specific context of what is known about the experience of sexual harassment. This approach, known as a victim/survivor-centred approach, needs to be tempered by the wider considerations of justice both for those who report and those who are reported, while contributing wherever possible to raising the visibility of concrete and decisive employer actions against those who perpetrate sexual harassment. Employers should work to create a workplace culture where employees feel empowered to make a report using whatever mechanism best meets their needs.

What women say

In the call for evidence, we presented a list of types of reports and reporting routes that workplaces can offer and asked respondents what practices they would like to adopt. Figure 5 presents the results among women who did and who did not report their experience to their employer.³⁴⁶ Support for all actions was generally higher among women who did report (except for support for allowing anonymous reports) than women who did not report; possibly reflecting greater faith generally in reporting systems among women who did report.

344 Women and Equalities Select Committee (2018)

345 Parliamentary and Health Service Ombudsman. (2009). [Principles of good complaint handling](#).

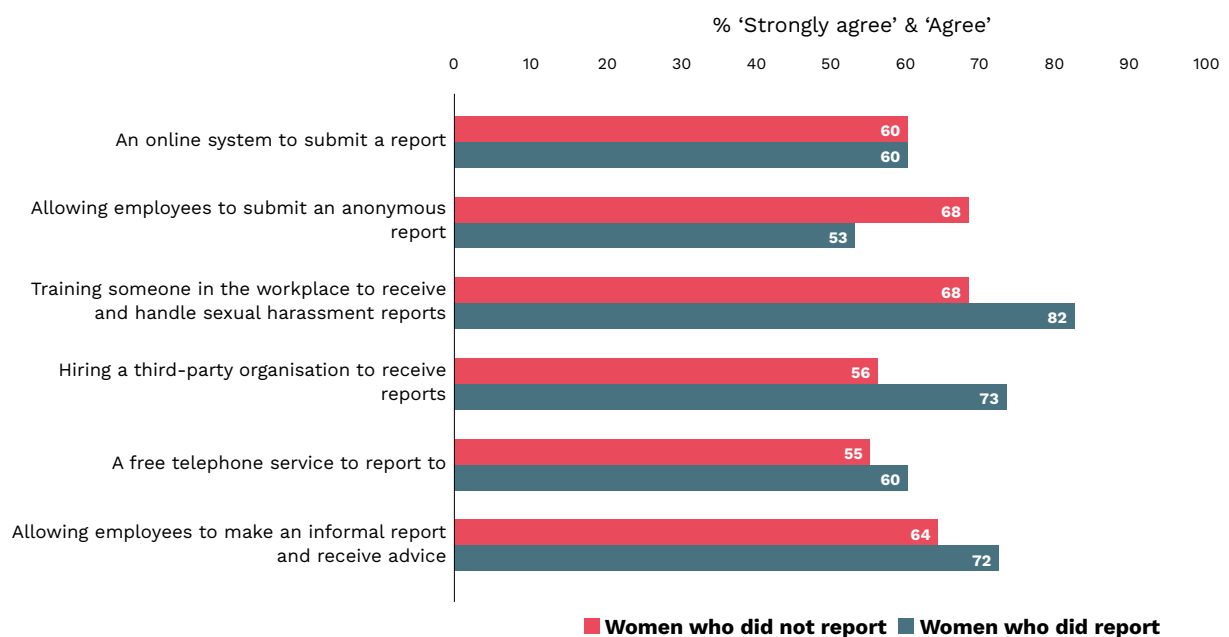
346 To women who did not report their experience to their employer, we asked, "Do you think any of the following practices would have made you feel safe to tell your workplace?" and to women who did report their experience to their employer, we asked "Do you think any of the following practices would have made the process of reporting better?"

TACKLING SEXUAL HARASSMENT IN THE WORKPLACE

Respondents were most supportive of workplaces training someone to receive and handle sexual harassment reports, such as a workplace ombudsman or equity officer, with 68% of women who did not report and 82% of women who did report saying that this would be helpful. In written comments, women explained that they believed this would have made them feel safe discussing the incident. One woman who did not report wrote:

“A person within the workforce trained to receive reports and support the abused person... would have permitted me to bring the problem to light and believe it would be dealt with without humiliating me.” Woman in the private sector

Figure 5: Support for reporting routes among women who did and who did not report to their workplace



There was mixed support for offering anonymous reporting. Among women who did not report, support was higher (68%) compared to women who did report (53%). Women who did not report wrote that they would have appreciated being able to make an anonymous report because it would have made the experience easier to describe and it would have reduced the risk of retaliation or career consequences.

“If there was an online, anonymous system I would have reported this in an instant, instead a year later I am still grappling with whether it’s the right thing to do and meanwhile he could be behaving this way to others.” Woman in the public service

“Anonymity would foster a sense of safety when reporting, especially important when working in a culture where sexual harassment is normalised and minimised.” Woman in the public service

Some respondents also thought that anonymous reporting would allow employers to collect more accurate data on the extent of sexual harassment, which may compel them to take action on the issue. However, others were sceptical that anonymous reports could ever truly be anonymous, particularly in small organisations where any details on the incident would likely identify the victim or harasser.

Respondents who were unable to receive support without making a formal report, believed that employers should allow employees to make an informal report. They believed that women should be able to access counselling or other forms of support without having to make a formal report. They also believed that employers should record informal complaints in case the same person is accused in the future:

“[I] Reported to my [boss]... He told me that “if I was really bothered about it” I would have to make a formal complaint, which I did not want to do for fear of repercussions... Often I think that victims don’t want to make a formal complaint. They just want the behaviour to stop, and for it to be registered in case anything more serious happens in future. For this reason I think informal reporting would work well.” Woman in the private sector.

Within the written responses, there was general support for employers offering multiple reporting routes. Respondents who were only able to report to one person (including those for whom the one person was also their harasser) believed that it was important that multiple people or systems were available, and specifically suggested that another woman should be available to report to or a third-party. Women who were harassed by their manager described the need for multiple reporting routes:

“There is no safe process to report sexual harassment when it comes from a manager... [Employers should] provide somewhere to safely speak to someone when the person perpetrating some of the harassment may be your line manager.” Woman in the third sector

“There was no official process for reporting such behaviour – I’d checked our policy and the person it said to report any allegations of this nature to – was the harasser. The behaviour went on for a year until I finally found my own way to report it above his head.” Woman in the private sector

Women also wrote of the importance of there being multiple physical locations to report harassment. For example, a woman described her harasser being close by while she made her report:

“I think the location that the report was made could have been improved – it was in an office accessed via a public corridor in the staff area of the shop. This meant that as I was making the report my harasser had access to the corridor and he happened to be standing outside the office as I was making the report at one point. Unsure of whether or not this was intentional on his behalf, but it was not ideal.” Woman in the private sector

Some women expressed scepticism that their employer could ever properly handle a report of sexual harassment and, for this reason, wanted to be able to report to a third party:

“I did not feel supported to make a complaint and I did not make one. I was suspicious of processes that focused on the internal. I would prefer a process that allowed me to report to an external party.” Woman working in private sector

“There needs to be an avenue for the reporting and addressing of such complaints outside of the organisation itself (as in my case, the management of the firm wished to cover up the sexual harassment allegations for fear of being embarrassed by the perpetrator’s conduct).” Woman in the private sector

The findings from the call for evidence clearly demonstrate the need for multiple reporting routes within an organisation, be it multiple people to report to, or multiple methods.

What managers say

Findings from the manager survey reflect the findings in the call for evidence and literature: managers believed the availability of multiple reporting routes was key to enabling reporting. Managers at workplaces that already offer multiple reporting routes perceived this to be an important feature of their workplace's approach to sexual harassment.

“My organisation has internal and external/independent processes to report and highlight harassment in the workplace. It is actively encouraged that these are used by individuals affected and included within the annual training that all employees take. This is a good system.” **Manager in the private sector**

“We have a confidential reporting line which is an excellent way of giving people confidence to report incidents.” **Senior manager in the private sector**

Managers at organisations without multiple reporting routes called for this to be implemented. As with women who responded to the call for evidence, they believed that offering multiple reporting routes would help to create a safer environment, allowing employees to come forward.

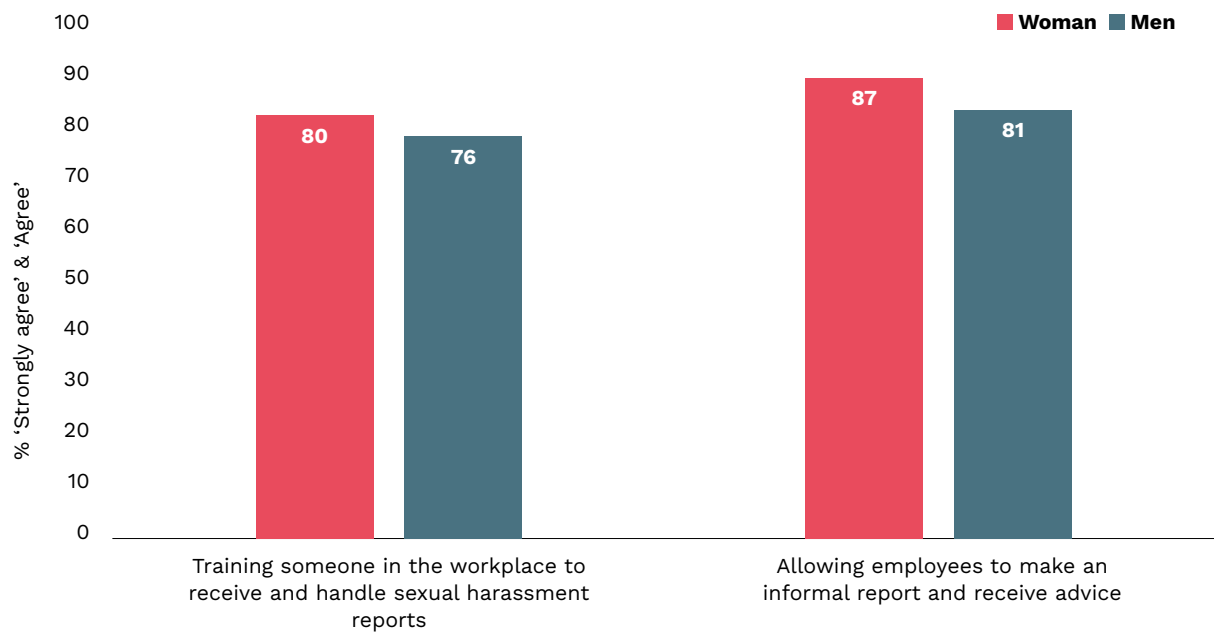
We specifically asked managers to what extent they agreed that two specific reporting routes would give them confidence to respond to workplace sexual harassment. The results are presented in figure 6. There was high support for designating someone to receive reports among both women (80%) and men (76%). Support was higher among managers in large organisations (80%) than managers in SMEs (66%). Junior and middle managers and managers with ten years or less of experience were more likely to agree that this would give them confidence to respond to harassment, possibly reflecting lower levels of confidence among less experienced managers in dealing with sexual harassment themselves. One male manager was supportive of dedicated pioneers because he recognised that members of his team may not feel comfortable reporting to him:

“It would be useful to have a dedicated, trained manager to champion this. I am a male in my mid-forties and manage a team in their mid-twenties. Whilst I hope I am approachable and will always respond appropriately to any reports of sexual harassment, I understand speaking to me may be another daunting step for a victim.”

Middle manager in the public sector

Women managers were more likely to support informal reporting (87% compared to 81%); this may reflect a personal preference based on their own experiences of harassment. There was little variation in support between managers by organisational size and sector, or by managers' role and years of experience.

Figure 6: Agreement reporting routes would give them confidence to respond to sexual harassment among managers, by gender



Awareness and training on how to report

What the literature says

Whichever avenues employers choose to adopt, they must make their employees aware of the mechanisms and train them on how to use them. An American study of 19,960 active-duty members of the Armed Forces found that, compared with studies of private and federal employees with a report rate generally of around 10%, in the sample of military women, 29% of women who had experienced sexual harassment reported their experience. The authors hypothesised that highly publicised cases of sexual harassment in the military had led to more awareness and activism among military women.³⁴⁷

In 2005 the United States military introduced two methods of reporting: an unrestricted report that led to formal proceedings, and a restricted confidential report that allowed employees to access support systems without initiating a formal investigation process. In 2008, an evaluation of the reporting options found that many employees were unaware or unclear about the reporting options and mandated universal training explaining the reporting options was subsequently introduced. By 2014, unrestricted reports increased from 2,243 in 2005 to 4,660 and restricted reports increased from 603 to 1,471.³⁴⁸

A study of municipalities in the state of Michigan investigated how employees' likelihood to report harassment varied by the municipality's type of sexual harassment policy and level of training offered to employees; municipalities were classified as having either a "good" or "bad" policy depending on the extent to which procedures were codified in policy and either "high" or "low" training depending on the extent and coverage of anti-sexual harassment training

³⁴⁷ Vijayasiri (2008)

³⁴⁸ Miller, L. L., Farris, C. & Williams, K. M. (2016). Challenges to evaluating US military policy on sexual assault and sexual harassment. *Military Psychology*, 30, 193-205.

offered. Employees of the municipality were surveyed on their likelihood to report a complaint. Employees who had received high levels of training on the details of their workplace’s policy and process were more likely to indicate they would report an experience of sexual harassment, compared to employees who received low levels of training, regardless of whether the policy was classified as good or bad.³⁴⁹

What women say

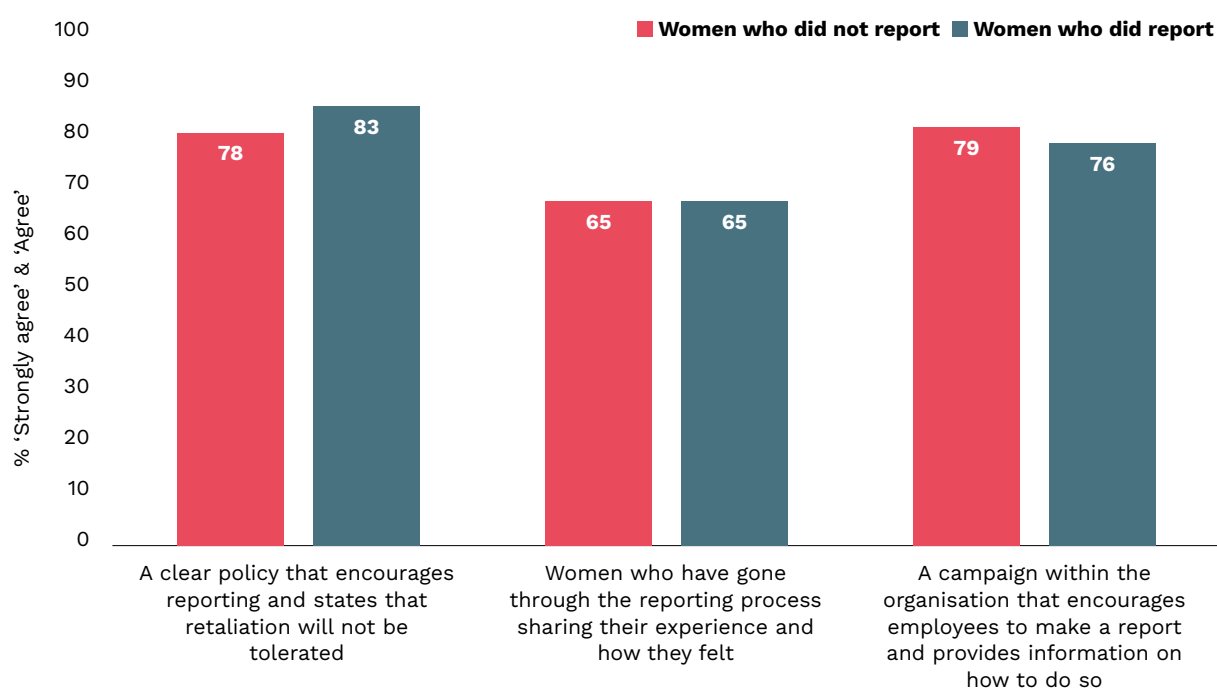
In addition to gathering data on support for specific reporting routes, we also asked respondents to the call for evidence about their support for awareness campaigns on how to report sexual harassment. Among women who did and who did not report, support was high for a clear policy that encouraged reporting and a campaign within the organisation to encourage employees to make a report. They believed that more information on reporting would help to address fears of retaliation and challenge the idea that women who experience harassment should keep quiet:

“I was working really, really hard to get a promotion, and I feared my chances would be jeopardised if I was to complain officially and I would then face poor treatment at work – so some sort of clear policy stating retaliation will not be tolerated would have helped put my mind at ease.” *Woman working in the private sector*

One woman explained that she had no knowledge of the reporting process at her workplace before making a report and wished there was a well-known process in place:

“I hadn’t ever heard of anyone in my workplace reporting sexual harassment, I think I was the first. I would’ve liked to have known there was a precedent for this kind of thing. The best thing for me would’ve been to see something already in place that discouraged sexual harassment and encouraged reporting.” *Woman in the private sector*

Figure 7: Support for awareness raising actions among women who did and who did not report to their workplace



349 Reese & Lindenberg (2003)

Respondents believed that if their workplace promoted reporting, it would send a strong signal that it takes sexual harassment seriously and that it cannot be considered a normal part of the workplace:

“A campaign within the organisation to encourage reporting would at least have alerted all staff to the fact that sexual harassment was not ok. It might also have made it clearer that sexual harassment is not “just a bit of fun” and that the recipient is not “overreacting”. Woman working in the public sector

Women believed that it is important for senior leaders in organisations to support these campaigns and take the lead in encouraging reporting, reflecting the findings in the literature on the importance of management in establishing a culture that is intolerant of sexual harassment.

What managers say

Managers were also asked to what extent they agreed a campaign within the organisation to encourage reporting would give them confidence to respond to a report of harassment. Seven in ten (71%) women and 77% of men agreed that such a campaign would be useful. Support was higher among managers at large organisations (77%) than managers at SMEs (62%) and it was higher among managers with ten years or less of experience (78%) than managers with at least 11 years of experience (70%).

In written comments, managers voiced support for better promotion of reporting sexual harassment. One manager recognised that some employers may be reluctant to do so because they do not want to know the extent of harassment in their workplace, but believed this was the only way action would be taken:

“It is a difficult balance, but I believe that more should be done to promote the process of reporting sexual harassment. The organisation may not be aware of the level of harassment taking place if it is not being reported and is only likely to take action when it has evidence of a significant problem within the organisation.” Middle manager in the public sector

As with women who responded to the call for evidence, managers believed that employers should make available multiple reporting routes and actively promote their use, in order to encourage employees to come forward and share their experience.

Conclusion and recommendations

The existence of multiple secure and well-functioning sexual harassment reporting routes can increase reporting rates and contribute to culture change efforts within an organisation. Multiple reporting routes, combined with clear communication from employers on how to make a report, not only provide employees with the ability to choose a route that best meets their needs, but they also work to signify to employees that they are welcome and encouraged to report any incident of sexual harassment. This is important for addressing employees' fears of retaliation and victimisation.

A robust reporting system is one in which employees know how to make a report, feel safe to do so, and are able to select a route that works for them. To develop this, employers should:

- **Allow employees to make an informal or formal report and make them aware of the difference.** Each employee who has experienced sexual harassment will have different needs and desire different outcomes. Allowing employees to make an informal report, with the option of making a formal report later, recognises these differences. To avoid employees becoming frustrated if no formal action is taken as a result of an informal report, or alternatively, being surprised by the complex process of an investigation following a formal report, employers should make clear what action or outcomes will follow from each type of report. This can be done through an organisation's sexual harassment policy, training, and internal communications.
- **Offer multiple reporting routes.** The type of routes on offer will depend on the resources available to the organisation but can include a phone line, a webform or app, an independent third-party, and an anti-sexual harassment pioneer. At a minimum, employees should be able to make a report to at least two different people and those people should come from different levels within the organisation.
- **Offer anonymous reporting in tandem with named reporting.** Employers who chose to offer anonymous reporting routes should only do so in conjunction with named reporting routes. Employees should be aware of the limited action that can follow an anonymous report and should be given the option to make a named report at any point afterwards.
- **Encourage employees to report any incidence of sexual harassment.** Employers should encourage all employees who experience or witness sexual harassment to make a report by using internal communications (i.e. posters, newsletters, employee message boards) to explain how to make a report and assure safety in doing so.

2.5: Employer responses to reports of sexual harassment

The responses submitted by women who have experienced sexual harassment make clear that women are rarely properly supported after they come forward to report their experience of sexual harassment – and harassers are rarely proportionately disciplined. Yet, the research on organisational tolerance for sexual harassment also makes clear that responding appropriately and effectively to reports of sexual harassment is key to create an organisational culture that does not tolerate sexual harassment. This section discusses data on how employers should respond to reports of sexual harassment, including how to deal with formal reports, and a note on the appropriate use of restorative justice and mediation.

What the literature says

Effectively handling sexual harassment complaints is fundamental for two reasons. First, it indicates employers are serious about tackling sexual harassment.³⁵⁰ This can help to give employees confidence in their employer's sexual harassment policy and encourage other employees to report.³⁵¹ When employees see reports by others dismissed or met with hostility, this further undermines the employer's efforts to tackle sexual harassment.³⁵² Among United States military personnel, Bergman et al. found that, when respondents believed

350 Medeiros & Griffith (2019); Zelin & Magley (2020)

351 Butler, A. M. and Chung-Yan, G. A. (2011). The influence of sexual harassment frequency and perceptions of organizational justice on victim responses to sexual harassment. *European Journal of Work and Organizational Psychology*, 20(6), 729-754; O'Leary-Kelly et al. (2009)

352 Clarke (2014); Lee (2018); Women and Equalities Select Committee (2018)

their workplace would respond fairly to a report of sexual harassment, they were more likely to report their experience and, when their workplace took action to remedy complaints, respondents who had experienced sexual harassment were more satisfied with how the complaint was handled, compared with when the workplace minimised the complaint.³⁵³ Butler and Chung-Yan also found that women who were sexually harassed who believed they would receive justice from their employer were more likely to report their experience of sexual harassment.³⁵⁴

Second, the effective handling of sexual harassment complaints may mitigate the impact of experiencing sexual harassment to both employees and employers.³⁵⁵ Research with 3,982 military personnel in the United States found that when managers took positive action in response to a report of sexual harassment or gender discrimination, the emotional distress of those reporting was decreased and they were more likely to want to stay in their jobs. The opposite effect was found when leaders reacted negatively to reports being made.³⁵⁶ Hershcovis, Parker and Reich undertook a survey with 482 police officers and police support staff in the North of England in 2010 to assess how employees' confidence in their workplace's grievance procedure could affect both their intention to quit and job satisfaction. Among police officers and support staff who were sexually harassed by their supervisor, those who were confident in their force's grievance procedure had lower intention to quit and higher job satisfaction, compared with those who were not confident. However, when the harassment was committed by co-workers, the authors found that confidence in grievance procedures had no effect on employees' intention to quit nor job satisfaction.³⁵⁷ The implication of both studies for employers is that effective handling of sexual harassment could lead to economic benefits, as lower employee turnover translates into a reduction of hiring and training costs.

Best practices in responding to formal reports of sexual harassment is outlined below. There is little evidence on how employers should respond to informal reports, because responses tend to be more varied and, unlike formal reports, rarely recorded. More research is needed to understand what employees who have been sexually harassed think of informal reporting mechanisms and how satisfied they are with employer responses to reports made through informal channels.

Whether or not employees choose to file a formal report or make an informal report, employers should take the report seriously and be empathetic to how the employee perceived the situation.³⁵⁸ Studies have found that perceptions of what constitutes harassment vary from person to person, and between men and women due to gender stereotypes and socialisation about what behaviour is acceptable from men and women.³⁵⁹ Employers should not dismiss the report as trivial or a misunderstanding, but instead listen to the employee's experience – as well as ensure there is a clear definition of sexual harassment in place at their organisation to address the gap between what people think it is and what it actually is.³⁶⁰ The study of Michigan municipalities³⁶¹ found that city employees who reported their experience to their supervisor were more satisfied with their employer's process for handling sexual harassment

353 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.

354 Butler & Chung-Yan (2011)

355 Madera (2017); McDonald et al. (2014); Women and Equalities Select Committee (2018)

356 Neria, D. S., Moore, A., & Davis, E. (2019). The impact of leadership responses to sexual harassment and gender discrimination reports on emotional distress and retention intentions in military members. *Journal of Trauma & Dissociation: The Official Journal of the International Society for the Study of Dissociation (ISSD), 20*(3), 357–372.

357 Hershcovis, M.S., Parker, S.K. & Reich, T.C. (2010) The moderating effect of equal opportunity support and confidence in grievance procedures on sexual harassment from different perpetrators. *Journal of Business Ethics, 92*, 415–432.

358 McCann (2005)

359 Nelson, C.G., Halpert, J.A. & Cellar, D.F. (2007). Organizational responses for preventing and stopping sexual harassment: Effective deterrents or continued endurance? *Sex Roles, 56*, 811–822.

360 Reese & Lindenberg (2003)

361 Reese & Lindenberg (2003)

when their supervisor did not react poorly to their report³⁶² and when their employer took affirmative steps to respond.³⁶³

What women say

The poor, inappropriate, and at times aggressive, responses that women who took part in the call for evidence faced point to the need for employers to improve their response to sexual harassment. This section covers recommendations to improve employers' responses to both formal and informal reports. The following section outlines recommendations to improve employers' handling of investigations and grievance procedures.

When asked what would have improved their employer's response, overwhelmingly respondents wrote that their employer's response would have been improved if they had taken their report of sexual harassment seriously. Respondents wrote that they wished their employer had believed them, spoken to them with respect and understanding, and offered sympathy. They believed that if their employer had done so, this would have made them feel validated and supported:

"[My employer should have] just once say sorry that this has happened to you, let us help." Women in the private sector

"I wanted my employer to simply believe what I said and take the simple action that was necessary right at the beginning." Woman in the public sector

In addition to believing them, respondents wrote that they wished their employer took actions to remedy the situation and discipline the harasser. They thought this would have signified that harassment is not tolerated in the workplace.

"Believed me and believed anyone who raised any concerns and complaints. They could have taken any action against members to show that they the club was not somewhere where they could act exactly as they pleased with no repercussions." Woman in the private sector

"There has to be a consequence for the individual. There is no point in reporting if it goes into a black hole. The biggest disincentive to reporting is not the repercussions on me, but that nothing would be done." Woman in the public sector

Respondents also recommended that employers offer short and long-term support to employees who experienced sexual harassment. They believed that the availability of an equity officer or anti-sexual harassment pioneer would have been useful, as such a person could have provided tailored support and advice.

"[My employer should have] offered an immediate meeting with a dedicated coach / counsellor to help discuss incident so I could let out the impact to someone and then decide what to do after that. I felt once I raised it, there was no offer of targeted support." Woman in the public sector

362 This was measured by a composite variable that included whether the supervisor took the employee seriously, blamed the employee, and questioned their integrity.

363 This was measured by a composite variable comprised of whether the supervisor sought guidance from human resources and recommended the employee file a formal complaint, and whether the employer conducted a formal investigation, found the complaint to be substantiated and disciplined the harasser.

They also wanted their employer to recognise the harm that sexual harassment can cause and act empathetically, rather than treating the case as a procedural matter. Respondents suggested this could be as simple as a manager asking how they were doing and checking-in with them in the proceeding months after the incident and/or report.

“[My employer should have] supported me more. It felt like they just wanted to get the information from me, protect the reputation of the organisation and then they considered it dealt with. They need to then show they care and there needs to be follow up and after care offered.” Woman in the private sector

“I have not heard from them since... They could have asked me how I feel after a period of time? Or offer me an option on further counselling? Not just file closed!” Woman in the public sector

“After I made the complaint no one offered me any help or support. In fact, I was expected to go to really stressful meetings etc right away. They said once oh you should ask your GP about maybe getting some counselling. No one ever checked on me again. Even though I was signed off work with work related stress and I made it clear it was due to the harassment I had suffered.” Woman in the private sector

Respondents believed that this could help to prevent and address issues of retaliation and victimisation stemming from the report.

What managers say

Asked what would improve their workplaces’ response to sexual harassment and would make them feel more confident in dealing with reports of sexual harassment, managers wrote that they would like to receive clear guidance and support from management and HR on how to handle sexual harassment reports. Some managers wrote that they currently feel that they are left to deal with reports on their own or make sense of complicated guidance:

“Managers are often dropped in at the deep end in those cases and left to work their way through the policy with little support.” Senior manager in the public sector

“Our HR guidance is usually good, but it can be too much and you can tie yourself in knots working through them. As managers we are ‘advised’ a lot and it can feel like the buck stops with us when we’re the line manager, but not an expert in policy or the situation.” Junior manager in the public sector

Managers wrote that they would like the guidance to include:

- Who to go to for support;
- How to support the employee who made the report;
- How to handle counterclaims; and
- How to prevent or address victimisation of the employee who made the report.

They would also like regular reminders to the key elements of their workplaces’ process of handling sexual harassment. Managers also believed that there needs to be a human element to the response that recognises the long-term harm caused to the employee who was harassed and seeks to provide them with support:

“Response to dealing with the event in the first instance is excellent. Longer term, limited support given to victim or management to manage the repercussions of events. [My] organisation falls behind ‘process’ rather than consider and support the individual’s needs.” Senior manager in the public sector

Finally, managers also said that they would feel more confident responding to a report of sexual harassment if they received guidance on what to do from other managers who had previously handled a report of sexual harassment. In the survey, we asked managers if ‘managers who have responded to a report of sexual harassment sharing their experience and offering support to colleagues’ would increase their confidence in responding to a report and 73% agreed. Agreement was higher among men (77% compared to 68% of women) and less experienced managers (76% compared to 71%).

Below, we discuss the type of training that managers would like to receive to also increase their confidence in responding to reports of harassment.

Responding to a formal report

What the literature says

When a formal report is made, employers should begin a formal process. Recently updated guidance is available from ACAS and from the EHRC.³⁶⁴ There is little empirical evidence of best practice but there is consensus in the literature that the following actions will strengthen the credibility of the process. First, the employee who has reported sexual harassment should be supported and kept informed throughout the process. After receiving the disclosure, employers can provide the employee with access to a support network or counselling service. In England, female police officers who have been sexually harassed can receive support from the British Association for Women in Policing and anyone who is a member of the Westminster parliamentary community can receive specialist support from a trained Independent Sexual Misconduct Advisor, regardless of whether they make a formal report.³⁶⁵ Specialist support may be helpful to mitigate the negative psychological and job-related consequences of experiencing sexual harassment, such as anxiety, depression and employment withdrawal.³⁶⁶ If the employee who made the report is mentally and physically able to work, the employer should take steps to allow the employee to continue their job normally.³⁶⁷ For example, if this employee and alleged harasser work closely together and it is likely to cause concern, the alleged harasser should be reassigned to a different area or role during the investigation, rather than the employee who made the report. To give the employee who experienced harassment a sense of control, the employer should keep the employee informed throughout the investigation and decision-making process.³⁶⁸ If the claim is upheld and the harasser sanctioned, the employer should continue to offer support over time by monitoring that the employee has not faced retaliation and the harassing behaviour has stopped.³⁶⁹

Second, the report should be investigated thoroughly and sensitively. When a report is dismissed without investigation, the harasser may continue their behaviour and this will contribute to a culture where behaviour is seen as normal and acceptable.³⁷⁰ Thorough investigations contribute to procedural justice, ensuring that all can see the processes have been fair.³⁷¹ There is no best practice consensus of who is best suited to conduct workplace investigations, but employers should select an internal or external individual or group who are

364 ACAS. (2021). [Handling a sexual harassment complaint](#); EHRC (2020)

365 Kelly, R. (2021). [Independent Complaints and Grievance Scheme](#). House of Commons Library, Briefing Paper no. 08369; Women and Equalities Select Committee (2018)

366 McDonald et al. (2014)

367 Hunt et al. (2010); National Academies of Sciences, Engineering, and Medicine (2018)

368 National Academies of Sciences, Engineering, and Medicine (2018)

369 Campbell & Chinnery (2018); McDonald et al. (2014)

370 McCann (2005)

371 Zelin & Magley (2020)

competent and perceived to be impartial and honest to both the employee who experienced harassment and the alleged harasser.³⁷² Evidence from workplace sexual harassment cases, as well as the judicial system, show that stereotypes about different groups can impact how trustworthy they are judged to be and the outcome of their case.³⁷³ For example, Jacobs explains that there are three culturally held beliefs about Black women that impact on whether they are viewed as victims of sexual harassment and sexual assault: 1) Black women are promiscuous and therefore responsible for being harassed or assaulted; 2) Black women are not credible enough that their report is believable; and 3) Black women are aggressive and surrounded by violence.³⁷⁴ In a sexual harassment case where there is no evidence other than a Black woman's reported experience of harassment, these beliefs can greatly reduce the chance she is believed.³⁷⁵ Where possible, investigations should therefore be conducted by a diverse group of individuals.

Many accounts of insensitive, unskilled or biased investigations have been covered in independent reports into the handling of reports by higher education institutions. These reports recommend investigators should have specialist knowledge and skills.³⁷⁶ This includes being trauma-informed: understanding the diffuse impact of trauma and recognising how trauma impacts all aspects of those who have been sexually harassed or assaulted.³⁷⁷

Importantly, investigators should allow the employee who experienced harassment and the harasser to be heard. If witnesses were present, they should be interviewed, but employers should recognise that sexual harassment often takes place without witnesses and seek to balance this with other ways of testing the reliability of the evidence.³⁷⁸ To bolster the credibility of their decision, investigators should document all steps taken and prepare a written report outlining those steps.³⁷⁹

If the incident involved multiple or intersecting forms of harassment, investigators should also allow the employee who experienced harassment to report all elements of the incident, not only the elements related to sexually harassment.³⁸⁰ This means that if the employee believes the incident was related to motivated by their personal characteristics in addition to gender, such as race or sexuality, the investigator(s) should consider the case in a comprehensive fashion.

There is no consensus on the appropriate length of time for conducting a sexual harassment investigation.³⁸¹ Investigations should be timely for the benefit of the employee who experienced harassment and the alleged harasser,³⁸² but safety and credibility should not be compromised in favour of speed.³⁸³ The Crown Prosecution Service's sexual harassment policy states that employees can expect the grievance procedure to take 15 days and, if it takes longer, the complainant will be informed and given a timetable for completion.³⁸⁴

372 Campbell & Chinnery (2018)

373 Luthar et al. (2009)

374 Jacobs, M. S. (2017). The violent state: Black women's invisible struggle against police violence. *William & Mary Journal of Women & Law*, 24(1), 39-100.

375 Luthar et al. (2009)

376 The 1752 Group and McAllister Olivarius. (2020). [Sector guidance to address staff sexual misconduct in UK higher education](#).

377 Persaud, S. (2019). [Independent review of student disciplinary and appeal processes](#). The University of Warwick.

378 Campbell & Chinnery (2018); McDonald et al. (2014); McCann (2005)

379 McDonald et al. (2014)

380 Luthar et al. (2009)

381 McDonald et al. (2014)

382 McCann (2005)

383 Campbell & Chinnery (2018)

384 Women and Equalities Select Committee (2018)

It is necessary that workplaces balance transparency and confidentiality carefully. The identities of the employee who filed the report and the alleged harasser should be kept strictly confidential to all employees not directly involved in the investigation process to minimise the risk of retaliation from colleagues.³⁸⁵ However, employers should be transparent about what happens when formal sexual harassment reports are made and an employee is found to have violated the sexual harassment policy, in order to demonstrate that they investigate sexual harassment fairly and sanction cases appropriately.³⁸⁶ One method used is to regularly publish an anonymised report that outlines how many cases have been investigated and their outcomes.³⁸⁷ For example, NASA publishes an annual report summarising the workings of its sexual harassment process, reporting the number of cases addressed and the basis, duration of investigation, and disciplinary actions taken for each case.³⁸⁸ This approach has also been taken at some universities, but there is little evidence of other employers taking a similar approach. If employers choose to do so, protecting the identity of the employee who was harassed and the harasser should be prioritised. As a result, it is unlikely this is a viable option in small workplaces.

After the investigation is complete, the investigator(s) or adjudicator(s) should decide whether the report has been substantiated and, if so, what disciplinary measures should be taken.³⁸⁹ Common disciplinary measures issued against perpetrators of sexual harassment can include:

- Issuing a formal apology to the employee who was sexually harassed;
- Attending mandatory counselling or training;
- Changes in work responsibilities;
- A formal warning;
- Reduction in pay or benefits;
- Suspension;
- Dismissal.³⁹⁰

There is no best practice guide on what sanction is appropriate for what type of sexually harassing behaviour because of the uniqueness of each case.³⁹¹ When determining the appropriate sanction, employers should consider the severity of the harassing behaviour, the frequency of the behaviour, the power relationship between the employee who was harassed and harasser, and any past harassing behaviour by the perpetrator.³⁹² An appropriate sanction is one that is tough enough to indicate that sexual harassment is not acceptable. In a study of 220 student workers in the United States, employees perceived that more severe responses, such as dismissal and suspension, were more effective at signalling that sexual harassment is unacceptable compared to less severe sanctions, such as a verbal or written reprimand or requiring an apology to the person who was sexually harassed.³⁹³ Sanctions also need to be proportionate to the severity and frequency of the behaviour.³⁹⁴ In workplaces where a range of sanctions are available, employers tend to apply the least strict, such as a formal warning.³⁹⁵ However, as discussed above in relation to zero-tolerance policies, if employees perceive that the discipline will be disproportionately harsh, this may deter reporting.³⁹⁶

385 Campbell & Chinnery (2018)

386 Nelson et al. (2007)

387 Zelin & Magley (2020)

388 National Academies of Sciences, Engineering, and Medicine (2018)

389 McCann (2005)

390 National Academies of Sciences, Engineering, and Medicine (2018)

391 Best et al. (2010)

392 Zelin & Magley (2020)

393 Nelson et al. (2007)

394 McCann (2005); Nelson et al. (2007); Vijayasiri (2008)

395 McDonald (2011)

396 National Academies of Sciences, Engineering, and Medicine (2018)

Appropriate sanctions are also ones that punish the perpetrator, not the employee who experienced harassment.³⁹⁷ This means for example that, instead of transferring or reassigning the employee who was harassed to a new role or duties, the perpetrator should be moved.³⁹⁸ Sanctions that involved the employee who was harassed were perceived as less effective at communicating organisational intolerance of sexual harassment compared with sanctions that involved the perpetrator in the same study of working students in the United States.³⁹⁹ Nevertheless, and separately, employers should consider what remedies and support they might offer the harassed employee, in recognition of the harm done by the harassment.⁴⁰⁰

A study of the United States military indicates that when the above actions are taken, women who have been sexually harassed are more satisfied with the outcome of their report. In a survey of 9,725 women in the US military, 29% of those who experienced sexual harassment filed a formal complaint. Satisfaction with the outcome of the report was highest when the complaint was investigated, when they were not encouraged to drop the complaint, when the complaint was taken seriously, and action was taken because of the complaint. Satisfaction was also higher when the women were informed about the progress of their complaint, their complaint was kept confidential, and they were satisfied with the amount of time the organisation took to resolve their complaint. Finally, when their report was substantiated (i.e., the harasser found guilty), women reported greater levels of satisfaction.⁴⁰¹

What women say

At the beginning of this report in section 1.2, we presented data from the call for evidence on the ways in which employers mishandled investigations and grievance procedures on sexual harassment, such as not maintaining confidentiality and requiring an impossibly high standard of evidence. We asked respondents to the call for evidence to indicate whether certain actions would have improved their employer's response, including two actions relevant to investigations and grievance procedures: 1) setting out a reasonable timeframe for conducting an investigation and sticking to it; and 2) hiring a third-party organisation to conduct an independent investigation. Three-quarters of respondents agreed that setting out and sticking to a reasonable timeframe would have improved their employer's response. In written comments, women explained that a clear timeframe would have helped to reduce the uncertainty of the situation:

“I was told it would take a week at least to reach an outcome but I was not given an exact timeframe and I think it went on longer than I expected and I felt like I was left in limbo.” Woman in the private sector

“After I wrote my statement, the communication fell through and I heard absolutely nothing from my manager until I had to ask him what was going on. This lasted for about three months and I was uncertain the whole time. I believe if I was given a time frame and it was stuck to my anxiety would have been hugely reduced.” Woman in the private sector

Seven in ten (69%) of respondents believed that their employers' response would have been improved if a third-party organisation was hired to conduct the investigation. Those who supported this action had little faith in the ability of their employer, and specifically the HR department at their workplace, to carry out an independent investigation. This was motivated

397 EHRC (2018)

398 McDonald et al. (2008)

399 Nelson et al. (2007)

400 Sen et al. (2018)

401 Buchanan et al. (2014)

in part by a perception that HR departments act in the best interest of the employer, rather than employees, and are unable to deal with serious matters:

“HR departments are powerless and ineffective within organisations to effectively deal with criminal matters arising. ...A productive way to truly protect individuals within companies would be to outsource and mediate the grievance process externally.”

Woman in the private sector

“A third-party processing complaints would be positive. Internal HR have too much to gain from burying complaints.” **Woman in the private sector**

There was also a view that because tolerance for sexual harassment stems from the top within a workplace, an investigation conducted by top leaders within an organisation can never be independent.

“Those assessing my report were themselves all men who had the same attitude to the person/s I complained about...Therefore there needed to be an external persons/ body.”

Woman in the public sector

As well, women at small businesses where all employees know one another believed that an independent investigator was necessary to achieve objectivity:

“The part time HR manager held the meeting but he was very close friends with the harasser...They could have heard my complaint independently. As it was a small business and close knit, someone from outside the company may have been better placed to be objective.” **Woman in the private sector**

Respondents also believed that outsourcing investigations to an independent third party would increase employees' perception of fairness and trust in the process and outcome. As well, they believed it may increase the likelihood that employers will take action against the harasser, as they may feel accountable to the outside organisation.

In written comments, respondents offered additional suggestions to improve employers' handling of investigation and grievance procedures. Some believed that sexual harassment reports should be handled through a separate and unique process to grievance procedures and should not be treated as simply another form of harassment in the workplace, because of the seriousness of the offence and the inherent power imbalances at play:

“A separate process for sexual harassment complaints is needed. Sexual harassment and equalities complaints are not easily addressed through a grievance process and are often bordering on criminal behaviour... The attitude I experienced was that everyone wanted to make it go away. And to attribute blame to me, not the perpetrator.” **Woman in the public sector**

Many respondents described feeling uninformed about the investigation and grievance process. They wanted their employer to provide more information upfront about the process and regular updates as the investigation progressed.

“As I hadn't reported an issue like this before I was not aware of the processes in place nor the support. Had we been given clear information I think the process would have been less impactful on my mental health.” **Woman in the private sector**

Additionally, women who were not told the outcome of the investigation believe that employers should be more transparent with this information. They explained that this would help to bring a sense of closure and clarity to the case:

“My employer informed me that the harasser was no longer with the company without informing me of whether he lost his job due to the harassment or if he was given options to be transferred to a different location...I think more could have been done in the aftermath of it to make me feel better and not have me feeling guilty that I caused someone to lose their job and blame myself for what happened.” Woman in the private sector

Finally, respondents to the call for evidence recommended that employers provide women going through an investigation or grievance procedure, with someone to support them through the process. They suggested that this person could help with paperwork and guide them through the process, providing insight on what they need to do and offering advice.

What managers say

In the manager survey, respondents offered similar recommendations as women in the call for evidence for improving employers' handling of investigations and grievance procedures, including greater transparency about the outcomes of investigations and maintaining confidentiality. Managers also agreed that the process should be completed as quickly as possible and within a set time frame:

“System can be long and drawn out for the individuals involved...[Employers should have] Time limits set for responses to be given.” Middle manager in the private sector

Some recommended that where possible (i.e. in larger organisations) employers should publish anonymised data on the number of sexual harassment reports and the outcomes of investigations. They believed this would demonstrate that reports are taken seriously:

“Harassment appears to happen “in the background” so we have no visibility of incidents or actions taken. I understand that from protecting individuals, but if any anonymised details could be shared to show action is taken, then employees can trust incidents are dealt with, raising confidence for victims to speak up and report.” Middle manager in the public sector

When asked to indicate to what whether 'hiring a third-party organisation to conduct an independent investigation' would increase their confidence in handling reports of sexual harassment, only 43% of managers agreed. Support for an independent investigation was highest among men (45% compared to 39% of women), less experienced managers (53% compared to 38% of more experienced managers), middle and junior managers (46% compared to 35% of senior managers), and managers at large organisations (45% compared to 33%). The low support for independent investigators among senior and more experienced managers may reflect a reluctance among senior leaders to open their workplace to criticism from outside. Managers at SMEs are likely less supportive compared to managers at larger organisations because of the cost associated with doing so.

Alternatives to traditional sanctions

What the literature says

Rather than a traditional grievance procedure that cumulates in employer-determined sanctions, there have been proposals in the literature⁴⁰² and employer guides⁴⁰³ to use alternative mechanisms. Some have proposed to allow the harassed employee to request a particular outcome of the investigation.⁴⁰⁴ This approach has not been evaluated to determine what effect this has on the perceived fairness of the outcome and consistency in sanctions. Mediation and restorative justice are also suggested as possible alternative mechanisms because they are used effectively in general employment disputes.⁴⁰⁵

Restorative justice procedures begin with the perpetrator accepting responsibility for their behaviour and then under the guidance of a facilitator, the perpetrator and the employee who experienced harassment work to identify what actions the perpetrator can take to address the harm caused.⁴⁰⁶ For example, the perpetrator may issue a formal apology.⁴⁰⁷ There are examples of restorative justice being used on university campuses in cases of sexual misconduct but there are no assessments of its appropriateness or use in the workplace.⁴⁰⁸

Mediation is used when two parties are unable to come to an agreement on a dispute. It does not involve an admission of responsibility by the perpetrator or the two sides working together to identify restorative actions. Instead, an impartial mediator decides the terms of the agreement.⁴⁰⁹ Employers may decide to use mediation to resolve a sexual harassment case between two employees, but it is most often used to resolve a complaint made by an employee who has experienced harassment towards their employer, for failing to prevent or respond to sexual harassment appropriately, without going through a court process.⁴¹⁰

The literature on the use of mediation is limited to studies from the perspective of employers, written by mediators who argue that mediation can be useful for keeping details of sexual harassment cases private and avoiding drawn out legal proceedings.⁴¹¹ There are no studies that assess the impact or effectiveness of mediation from the perspective of employees who experienced sexual harassment. Mediation may be useful to employees who also want to avoid a stressful and potentially traumatizing court processes, and may be valuable if it results in financial compensation.⁴¹² However, mediation may also be used as a way to silence those who have experienced sexual harassment⁴¹³ and academics have questioned whether mediation meets victims' needs or if it is used primarily to meet the needs of employers who want to resolve the issue as quickly and quietly as possible.⁴¹⁴ There is a risk that employees perceive

402 Campbell & Chinnery (2018)

403 EHRC (2020)

404 Zelin & Magley (2020)

405 McDonald et al. (2014)

406 Zelin & Magley (2020)

407 National Academies of Sciences, Engineering, and Medicine (2018)

408 Coker, D. (2018). Restorative responses to campus sexual harm: Promising practices and challenges. *The International Journal of Restorative Justice*, 1(3), 385-398.

409 Morgan, P. (2015). From litigation to mediation: Sexual harassment dispute resolution in the 21st century. Sexual Harassment in Education and Work Settings: Current Research and Best Practices for Prevention. In A. Michele, J. Paludi, J. L. Martin, J. E. Gruber, S. Fineran (Eds.), *Sexual Harassment in Education and Work Settings: Current Research and Best Practice for Prevention* (263-280). Santa Barbara: Praeger.

410 Batista, J. (2016). Behind closed doors: The advantages and disadvantages to mediating sexual harassment complaints. *Dispute Resolution Journal*, 70(4), 87-96.

411 Schau, J. F. (2019). Where confidentiality and transparency collide. *Dispute Resolution Magazine*, 25(2), 6-10.

412 Batista (2016)

413 Shau (2019)

414 Hippensteele, S. K. (2006). Mediation ideology: Navigating space from myth to reality in sexual harassment dispute resolution. *Journal of Gender, Social Policy & the Law*, 15(1), 43-68; Irvine, M. (1993). Mediation: Is it appropriate for sexual harassment grievances? *Ohio State Journal on Dispute Resolution*, 9(1) 27-53.

that perpetrators are lightly disciplined, signalling that the employer does not take sexual harassment seriously. The fact that mediation does not involve an admission of responsibility by the perpetrator risks playing into and reinforcing the cultural norms of acceptability and sexism that make sexual harassment such a widespread issue in the first place. Sexual harassment almost always involves a power imbalance, whether that is explicit (a senior person harassing a less senior or more precariously employed person) or implicit/cultural (a man harassing a woman). This makes mediation with its basis in problem-solving at the individual level an unsatisfactory tool, if culture change and a values-led approach is desired.

There is evidence that mediation and restorative justice approaches are effective for resolving workplace disputes but because of the gendered and sexual violence root of workplace sexual harassment, special consideration for the impact on employees who have been sexually harassed is needed.

What women say

In the call for evidence, we asked respondents whether they thought that engaging in a process of mediation or restorative justice would have improved their employer's response to their experience of sexual harassment. Less than three in ten (27%) of respondents agreed that mediation would have improved their employer's response. Respondents were more supportive of restorative justice, but still a minority at four in ten (39%). In the written comments, women explained that they would not have wanted to do mediation or restorative justice because they did not feel safe being in the same room as their harasser and did not think they had a duty or responsibility to be involved in the disciplining process:

“It is not my responsibility to stop him harassing women. I never want to be in a room with him again. I do not think there is any mediation / restorative justice available. He is not safe to work with. My employer knows that. Yet they let him continue to cause harm.” Woman in the public sector

“I don't think mediation or any kind of outcome “agreed” between me and the harassers would have worked. Ultimately, the people who harassed me didn't think that that was what they were doing – and because they were lawyers themselves, they would certainly not have admitted any sort of guilt.” Woman in the private sector

As explained above, a major gap in the literature on mediation and restorative justice is research from the perspective of women who have been harassed. The call for evidence is only one data source and is not representative, but it does provide indication that women who have been sexually harassed may find both processes inappropriate.

Conclusion and recommendations

The belief that an organisation is challenging sexual harassment and changing its culture will be broken irreparably if action does not follow words – reports of sexual harassment must be taken seriously. If women do not think that they will be believed or that their employer will take any action, they will not be motivated to make a report and risk facing retaliation and victimisation. Additionally, if employees do not think they will be disciplined for committing acts of sexual harassment, they may be more likely to believe it is acceptable to act inappropriately. Therefore, it is essential the employers respond sensitively and appropriately when an employee makes a report of sexual harassment.

To respond effectively to all reports of sexual harassment, employers should:

- **Treat employees who make a report with respect and empathy.** Managers and employees who receive a report of sexual harassment should listen respectfully and without judgement, recognising that the experience may have been traumatic. They should not try to explain the alleged harasser's actions or minimise the experience. Instead, they should listen to the employee's report and thank them for coming forward.
- **Provide information about next steps and ask the employee who made the report what they would like to do.** The employee who experienced harassment should be given the choice on how to proceed without influence from their employer. Their employer should, however, provide full information about what each choice entails (i.e. how long the process will take and who will be involved) and what outcomes could result). Employees should be given time to make their decision and be given access to someone who can provide impartial support and advice, such as an anti-sexual harassment pioneers or an independent third-party.
- **Keep the report confidential.** Only members of staff who absolutely must know about the report should be informed. The employee who made the report, the alleged harasser, and anyone else with knowledge of the report should be made aware that the information must be kept confidential. If an employee reports an incident of sexual assault or rape, employers should support them in going to the police, if they choose to do so. Employers should not inform the police without their permission, unless there is an ongoing risk to their safety or the safety of others or an increased risk to their safety because they are a vulnerable person. If employers decide they must inform the police, they should let the employee know they are going to do so and when they have done.
- **Provide ongoing support to the employee who made a report.** Employees who report an experience of sexual harassment should be regularly checked on, by an anti-sexual harassment pioneer if available, or by their manager, to see if they need extra support or if they have experienced any retaliation or victimisation. If resources allow, employers can offer counselling to the employee, but this should be done only in tandem with other actions, including appropriately disciplining the harasser if they are found to be guilty.
- **Provide guidance to managers dealing with reports of sexual harassment.** Managers should not be left to handle reports on their own. Managers should be provided with guidance (in the form of a document, training, and/or advice from managers who have dealt with sexual harassment cases in the past) that states how to support the employee who made a report, the processes to follow depending on whether the employee made an informal or formal report, how to handle counterclaims if they arise, how to prevent or address victimisation of employee who made the report, and who to go to if they need support.
- **Seek support from specialist organisations.** Employers should seek support from the Advisory, Conciliation and Arbitration Service (ACAS) if they have any questions or are unclear on how to respond to a report of sexual harassment.⁴¹⁵ Specialist sexual violence agencies are the experts in understanding how to support women who have experienced sexual violence.

To conduct investigations and grievance procedures effectively, employers should:

- **Set out a timeframe for investigations.** The timeframe for investigations should be set out in the sexual harassment policy. It should be long enough to allow for a proper investigation but kept to a reasonable timeframe, recognising the stress of the investigation process for all involved. If the timeframe cannot be met, the employer should notify the employees and provide a new deadline.
- **Investigate the report thoroughly and fairly.** Employers should select a person or group that is trauma-informed and experienced in conducting sexual harassment investigations to carry out the process. This can be an independent third-party, or an internal person or group, as long as they are perceived by all employees as impartial. If a group is selected, they should represent a diversity of backgrounds and characteristics. Both the employee who made the report and the alleged harasser should be given a chance to be heard, along with any witnesses available. Employers should recognise that sexual harassment often takes place out of view of witnesses; if there are no witnesses investigators should make a decision after hearing evidence on the incident and any other relevant information from both sides.
- **Recognise that incidents may involve both sexual harassment and racial harassment, or other forms of discrimination based on protected characteristics.** When conducting investigations that involve women of colour, employers should not emphasise the racial or sexual element to the exclusion of the other. This also applies to investigations that involve women from other marginalised groups, including LGBTQ women, disabled women, and religious minorities.
- **Document all steps taken in the investigation.** Investigators should document all steps taken in the investigation and cite all evidence available. A report should be written up outlining the investigation procedure and the reason for the conclusion.
- **Allow the employee who made the report continue to work normally.** If they are able to do so, the employee who made the report should be able to continue to work as normal. If they work with the alleged harasser, it is the alleged harasser who should be reassigned (or suspended) while the investigation is ongoing rather than the employee who made the report.
- **If the report has been substantiated, discipline the harasser.** The disciplinary action should be proportionate to the behaviour, ranging from a formal apology for minor incidents to dismissal in the case of major incidents.
- **Keep the employee who made the report updated on the investigation process and informed of the outcome.** Employers should provide regular updates on the investigation process and let the employee who made the report know when a decision has been made. Unless there is a clear confidentiality reason not to, if the alleged harasser was found to be guilty, the employer should also let the employee know how they are being disciplined. This will work to reassure the employee who was harassed that their report was taken seriously.
- **Be transparent about reports and investigations of sexual harassment.** When possible to do without identifying any individual, employers should regularly (i.e. annually) publish data on how many reports of sexual harassment they received over the period, how many were investigated and the outcomes of the investigations.

Summary of recommendations

Throughout the literature, call for evidence and manager survey, there are two components that stand out as being necessary for an effective employer approach to tackling workplace sexual harassment:

1. A strong and demonstrable organisational commitment to tackling sexual harassment throughout their culture
2. An employee-centred reporting and response process

These two factors should underpin all employer action on sexual harassment. Without both of these components, any effort to challenge and prevent sexual harassment risks falling flat. Employers must remember that each area discussed in this report – culture change efforts, the sexual harassment policy, anti-sexual harassment training reporting routes, and employer responses – all contribute to wider organisational efforts. Good action in one area reinforces good action in another – the aim is to create a virtuous circle of improvements. Recommendations to address and prevent sexual harassment through a holistic approach are outlined below.

Culture change efforts

- **Improve equality, diversity, and inclusion within the organisation, particularly at senior levels.** Sexual harassment is a manifestation of gender inequality and discrimination in the workplace and society – and can interact with other types of inequality and discrimination (such as those based on race, sexual orientation, gender identity, disability, age, and religion) to produce unique forms of sexual harassment. Employers should work to improve the inclusion and equality of their workplaces and diversify their workforce, including by promoting women of colour, disabled women, LGBTQ women into senior leadership positions; and ensure that they can thrive there.
- **Demonstrate leadership commitment to tackling harassment.** Organisational culture flows from the top; leaders in an organisation should demonstrate that they take sexual harassment seriously by stating their commitment to eliminating it in the workplace and holding their peers, and themselves, to account.
- **Proactively communicate – and demonstrate through consistent actions when incidents occur – that any sexual harassment is unacceptable.** Employers should address all incidents of sexual harassment, small and large, with seriousness and professionalism. Employers should say that behaviours which used to be considered ‘normal’ will no longer be tolerated and it is not ‘how we do business around here,’ as evidence shows how they hold organisations back from achieving a diverse, fair and safe workplace.
- **Conduct a climate survey to measure organisational attitudes towards sexual harassment.** Employers should anonymously ask their employees about the current status of sexual harassment in the workplace – how often it occurs, where it occurs, and whether it is viewed as acceptable – and then use findings to identify where action is needed and develop training, reporting mechanisms and risk mitigation strategies based on the nature of the workplace, composition of the workforce, and workplace practices.

Sexual harassment policies

- **Include employees in the development of the sexual harassment policy.** For example, this can be done through a task force comprising of representatives from different teams and roles within the organisation or through an organisation-wide consultation.

- **Create a policy that includes nine essential elements:**
 - Policy statement
 - Definition of sexual harassment
 - Description of to whom, where, and when the policy applies including while working from home
 - Guide of how to report sexual harassment
 - Outline of the responsibility of management and staff
 - Description of the formal grievance or complaint and investigation procedure
 - Description of the possible sanctions for committing sexual harassment and how sanctions will be decided
 - Statement of zero tolerance for victimisation
 - Commitment to reviewing and evaluating the policy
- **Make the policy accessible for all.** Sexual harassment policies should not be written in legal jargon; instead, they should be written using simple and easy to understand words and concepts. Each section should be clearly defined and include simple to follow steps, illustrated in graphics where appropriate. For example, a flow-diagram outlining what happens when an employee makes a report. The policy should be available in paper and online formats, with accessible versions for employees with visual impairments.
- **Publish the sexual harassment policy as a standalone policy.** To increase visibility and signify its importance, an organisation's sexual harassment should be separate from other workplace harassment policies. It should be located in an easy to find location, such as the intranet homepage.
- **Communicate the policy to employees.** When introducing a new sexual harassment policy, senior leaders should share it with all employees, outlining its contents and importance. New employees should be introduced to the policy during their induction, so that they not only learn its contents but as a means to signify the organisation's commitment to tackling sexual harassment.
- **Regularly advertise the policy and key elements.** Employers should raise employees' awareness about the policy by advertising it in internal communications. This can be in the form of posters, infographics and videos. The advertisements should include where employees can find the full version of the policy and key elements in it, such as the definition of sexual harassment and how to make a report.
- **Follow through on the policy statement.** To develop employees' trust in the policy, employers must deliver on the commitments made in it. Employers who choose to include a zero-tolerance statement need to ensure that they understand what that looks like and to carry it out in practice. Regardless of whether the policy is one of zero-tolerance or not, this means appropriately and proportionally disciplining anyone who is found to have committed sexual harassment, including behaviours that used to be 'normal'.

Anti-sexual harassment training

- **Run training alongside other efforts to tackle workplace sexual harassment.** Employers should not expect that training alone can prevent sexual harassment from happening in their workplace. Instead, training should be part of wider package of action on sexual harassment that seek to change the culture of the organisation.
- **Tailor training to the needs of the organisation.** Before training employees, employers should conduct a climate survey to identify sexual harassment "hotspots" and gauge

employees' attitudes towards harassment. The data gathered from the survey should be used to tailor the training to the needs of the workplace, addressing misconceptions and ideas that perpetuate norms that are tolerant of sexual harassment. The training should also include examples that are applicable to the workplace. For example, training for healthcare staff should include training on preventing and handling sexual harassment from patients. As well, the training should include examples of different forms of sexual harassment that could occur in the workplace, such as racialised sexual harassment.

- **Train all employees.** All employees should be trained in what constitutes sexual harassment, who is targeted and by whom, the harm it can cause, how to report it, and the importance of preventing it. Employers may choose to train men and women separately to allow for honest and safe discussions; if employers choose to do so, this reason should be made clear, so that men do not think they are being singled out for training because they are perceived as a threat.
- **Hold role-specific training for managers and investigators.** In addition to training for all employees, managers should also receive training in how to respond to a report of sexual harassment. If employers plan to conduct any necessary sexual harassment investigations internally, designated employers should also be trained in how to conduct investigations in a trauma-informed manner.
- **Hold bystander intervention training.** All employees should be trained in bystander intervention, not only because it teaches employees to act when they witness harassment but also because it works to create a shared understanding that sexual harassment is not acceptable in the workplace.
- **Train employees during the induction process and regularly throughout their tenure.** By training employees during induction, employers can immediately signify that the organisation takes sexual harassment seriously. Subsequently training employees at regular intervals will help to remind them of key points and further signify the importance of tackling sexual harassment in the workplace.
- **Evaluate the training.** Employers should conduct pre- and post-training surveys to monitor the effectiveness of the training, keeping in mind that positive outcomes (i.e. a reduction in sexual harassment rates) may only be apparent in the long-term. Employers should adapt training based on employee feedback and suggestions.

Reporting sexual harassment

- **Allow employees to make an informal or formal report and make them aware of the difference.** Each employee who has experienced sexual harassment will have different needs and desire different outcomes. Allowing employees to make an informal report, with the option of making a formal report later, recognises these differences. To avoid employees becoming frustrated if no formal action is taken as a result of an informal report, or alternatively, being surprised by the complex process of an investigation following a formal report, employers should make clear what action or outcomes will follow from each type of report. This can be done through an organisation's sexual harassment policy, training, and internal communications.
- **Offer multiple reporting routes.** The type of routes on offer will depend on the resources available to the organisation but can include a phone line, a webform or app, an independent third-party, and an anti-sexual harassment pioneer. At a minimum, employees should be able to make a report to at least two different people and those people should come from different levels within the organisation.

- **Offer anonymous reporting in tandem with named reporting.** Employers who chose to offer anonymous reporting routes should only do so in conjunction with named reporting routes. Employees should be aware of the limited action that can follow an anonymous report and should be given the option to make a named report at any point afterwards.
- **Encourage employees to report any incidence of sexual harassment.** Employers should encourage all employees who experience or witness sexual harassment to make a report by using internal communications (i.e. posters, newsletters, employee message boards) to explain how to make a report and assure safety in doing so.

Employer responses to reports of sexual harassment

- **Treat employees who make a report with respect and empathy.** Managers and employees who receive a report of sexual harassment should listen respectfully and without judgement, recognising that the experience may have been traumatic. They should not try to explain the alleged harasser's actions or minimise the experience. Instead, they should listen to the employee's report and thank them for coming forward.
- **Provide information about next steps and ask the employee who made the report what they would like to do.** The employee who experienced harassment should be given the choice on how to proceed without influence from their employer. Their employer should, however, provide full information about what each choice entails (i.e. how long the process will take and who will be involved) and what outcomes could result. Employees should be given time to make their decision and be given access to someone who can provide impartial support and advice, such as an anti-sexual harassment pioneer or an independent third-party.
- **Keep the report confidential.** Only members of staff who absolutely must know about the report should be informed. The employee who made the report, the alleged harasser, and anyone else with knowledge of the report should be made aware that the information must be kept confidential. If an employee reports an incident of sexual assault or rape, employers should support them in going to the police, if they choose to do so. Employers should not inform the police without their permission, unless there is an ongoing risk to their safety or the safety of others or an increased risk to their safety because they are a vulnerable person. If employers decide they must inform the police, they should let the employee know they are going to do so and when they have done.
- **Provide ongoing support to the employee who made a report.** Employees who report an experience of sexual harassment should be regularly checked on, by an anti-sexual harassment pioneer if available, or by their manager, to see if they need extra support or if they have experienced any retaliation or victimisation. If resources allow, employers can offer counselling to the employee, but this should be done only in tandem with other actions, including appropriately disciplining the harasser if they are found to be guilty.
- **Provide guidance and support to managers dealing with reports of sexual harassment.** Managers should not be left to handle reports on their own. Managers should be provided with guidance (in the form of a document, training, and/or advice from HR experts or managers who have dealt well with sexual harassment cases in the past) that states how to support the employee who made a report, the processes to follow depending on whether the employee made an informal or formal report, how to handle counterclaims if they arise, how to prevent or address victimisation of employee who made the report, and who to go to if they need support.
- **Seek support from specialist organisations.** Employers should seek support from the Advisory, Conciliation and Arbitration Service (ACAS) if they have any questions or are

unclear on how to respond to a report of sexual harassment.⁴¹⁶ Specialist sexual violence agencies are the experts in understanding how to support women who have experienced sexual violence.

- **Set out a timeframe for investigations.** The timeframe for investigations should be set out in the sexual harassment policy. It should be long enough to allow for a proper investigation but kept to a reasonable timeframe, recognising the stress of the investigation process for all involved. If the timeframe cannot be met, the employer should notify the employees and provide a new deadline.
- **Investigate the report thoroughly and fairly.** Employers should select a person or group that is trauma-informed and experienced in conducting sexual harassment investigations to carry out the process. This can be an independent third-party, or an internal person or group, as long as they are perceived by all employees as impartial. If a group is selected, they should represent a diversity of backgrounds and characteristics. Both the employee who made the report and the alleged harasser should be given a chance to be heard, along with any witnesses available. Employers should recognise that sexual harassment often takes place out of view of witnesses; if there are no witnesses investigators should make a decision after hearing evidence on the incident and any other relevant information from both sides.
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- **Document all steps taken in the investigation.** Investigators should document all steps taken in the investigation and cite all evidence available. A report should be written up outlining the investigation procedure and the reason for the conclusion.
- **Allow the employee who made the report continue to work normally.** If they are able to do so, the employee who made the report should be able to continue to work as normal. If they work with the alleged harasser, the alleged harasser should be reassigned or suspended while the investigation is ongoing.
- **If the report has been substantiated, discipline the harasser.** The disciplinary action should be proportionate to the behaviour, ranging from a formal apology for minor incidents to dismissal in the case of major incidents.
- **Keep the employee who made the report updated on the investigation process and informed of the outcome.** Employers should provide regular updates on the investigation process and let the employee who made the report know when a decision has been made. Unless there is a clear confidentiality reason not to, if the alleged harasser was found to be guilty, the employer should also let the employee know how they are being disciplined. This will work to reassure the employee who was harassed that their report was taken seriously.
- **Be transparent about reports and investigations of sexual harassment.** When possible to do without identifying any individual, employers should regularly (i.e. annually) publish data on how many reports of sexual harassment they received over the period, how many were investigated and the outcomes of the investigations.

APPENDIX A: Academic database search terms

The following search terms were used in each of the four databases (Business Source Complete, ERIC, Education Research Complete, and PsychINFO):

- “Sexual harassment” AND (“report*”; “disciplin*”; “investigat*”; “sanction”; “response”; “prevent*”; “cultur*”)⁴¹⁷
- “Sexual harassment” AND (“race” “LGBT*” “disab*” and “intersection*”)⁴¹⁸
- “Sexual harassment” AND (“train*”, “workshop”, “educat*”, “interven*” and “program*”)⁴¹⁹

APPENDIX B: Text and abstract screening tool

Date	Country	Full citation	Study type	Methodology	Researcher and respondent method	Intersectional approach	Focus on a community	Most research available to reader?	Publication of QI	Intersectional coverage of QI	Intersectional coverage of training & support	Measures for reporting	Disability provisions	Incidents and resolutions	Prevention measures	Operational factors
2018	US	Martinez, W. & Kimmel, J. (2018) <i>Sexual harassment in the workplace: A review of the literature</i> . <i>Journal of Interpersonal Violence</i> , 33(12), 2201-2215. https://jiv.sagepub.com/home/jiv	Primary research	Survey of 1,000 employees	Survey of 1,000 employees	No	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes

APPENDIX C: Full-text screening tool

Date	Country	Full citation	Study type	Research location/s	Description of methodology	Quality of evidence	Appropriateness of methodology	Relevance of study
2005	UK and International	McCall, D. (2004) <i>Sexual harassment at work: National and international responses</i> . <i>Gender and Employment Series No. 2</i> . International Labour Organization. http://www.ilo.org/travail/whitelabel/education/VSMS_TFVMS_PUB_2/temp-en/index.htm	Evidence review	UK	4 literature review of international evidence No description of methodology (no search criteria or quality appraisal)	Low Literature review with no quality appraisal	Medium Literature review appropriate for aims but methods not robust	High useful for context

417 For efficiency, the 200 first most relevant returns of each of these searches was retained.

418 This search was conducted in order to identify and prioritise data concerning groups who have historically been underreached.

419 This search string followed the methodology of Roehling, MV, and Huang, J. (2018)

APPENDIX D: Full text screening guide

Study type

- Label as at least one of the following:
 - Evidence review
 - Primary research
 - Response to article
 - Theoretical

Research questions/aims

- Copy and paste or summarise the research questions or study aims

Description of Methodology

- Description of how study conducted
 - I.e. for primary study: Secondary data analysis of national survey using Difference-in-Difference analysis
 - I.e. for evidence review: Rapid evidence assessment using a search string in two databases
- How sample selected
 - If a primary study: was the sample representative?
 - If an evidence review: was the search process systematic?
- Sample size and description
 - If a primary study: number of participants and who they are
 - If an evidence review: number of included studies and inclusion criteria

Quality of execution

- Indicate whether the methodology quality is low, medium or high based on the following criteria:
 - Whether recruitment methods or search strategy transparent
 - Whether sample likely biased in some way (i.e. was a convenience sample or sample only of uni students)
 - If quantitative: were significance tests performed where appropriate
 - If an evidence review: was there an assessment of the quality of evidence?
 - If an evidence review: were only studies that found positive results included?
 - Any other issues
- Give a short reason for score (no need if obvious from the methodology description)

Appropriateness of methodology

- Indicate whether the appropriateness of the methodology is low, medium or high based on the following criteria:
 - Method helped to achieve aims of study or research question (ex: if the aim is to describe the scale of sexual harassment, then qualitative interviews would be inappropriate methodology because qualitative research can tell us about experiences, not prevalence)

TACKLING SEXUAL HARASSMENT IN THE WORKPLACE

- Whether the methods are robust enough to support the findings and conclusions (ex: if a study says that a training programme definitely reduces incidence of sexual harassment but it was only a small pilot of 20 people, then that is not an appropriate conclusion or if a study says that women are more likely to experience sexual harassment in the construction industry than communications industry but there has been no significance testing or regression, then the methods are not robust enough)
- Give a short reason for score (no need if obvious from the methodology description)

Relevance of study

- Indicate whether the relevance of the study is low, medium or high based on the following criteria:
 - How recent the study is (2015 or later is good)
 - Location of study
 - Provides insight on one or more topic area
- Give short reason for score (no need if obvious from results)

APPENDIX E: Data extraction tool categories

Study information

- Date
- Country
- Full citation

Methodology

- Study type
- Research questions/aims
- Description of methodology
- Quality of execution
- Appropriateness of methodology

Sexual harassment policies

- A clear, detailed and transparent policy is necessary
- Policies should be developed through consultations with employees, not imposed from the top down and revised and updated regularly
- Policies should be readily available and easy to understand
- Policies should acknowledge how gender intersects with other characteristics to increase the risk of experiencing sexual harassment
- The existence of a sexual harassment policy alone is not sufficient (includes ZTPs)
- How to adapt policies in light of Covid-19 and a greater proportion of employees working from home

Reporting

- Reporting rates are low
- Effective reporting channels encourage more reporting and contribute to a robust sexual harassment policy
- Mandatory reporting lowers reporting rates
- Multiple reporting avenues should be available
- The effectiveness and impact of Information Escrows
- Whether the added value of informal reporting mechanisms outweighs the disadvantages

Responding to sexual harassment

- All reports of sexual harassment should be taken seriously and treated with the same level of care
- The target should be supported throughout the disciplinary process
- Confidentiality and transparency throughout the disciplinary process are essential
- Sanctions for harassers should be proportionate, tough, transparent
- Fair responses encourage more reporting
- The harasser should be punished, not the target

TACKLING SEXUAL HARASSMENT IN THE WORKPLACE

- The inherent difficulty in proving sexual harassment should be considered
- The appropriate length of disciplinary procedures
- The appropriate role of mediation and restorative justice in sexual harassment cases
- The role of internal and external support

Training

- Training should be tailored to the organisation
- All employees should receive sexual harassment training, but it should be tailored
- Sexual harassment training should be part of the induction process and provided throughout employees' tenure
- Evidence on Bystander intervention training is promising
- What makes sexual harassment training effective
- How sexual harassment training should be delivered online.

Culture change efforts

- Overall, the organisational culture and structure of the workplace matters and culture change is necessary for prevention
- Employers should take stock of the workplace climate regularly
- Buy-in from senior leadership is essential (inc. for staff motivation)
- Gender balance of the organisation matters
- Employers should evaluate the effectiveness of their sexual harassment policy
- A holistic approach is key
- Generalizable and applicable research is rare
- Employers should be proactive and act for the benefit of their employees, not to avoid liability

APPENDIX F: Characteristics of respondents to the call for evidence

Characteristic	Number of respondents
Disability	
Disabled women	39
Non-disabled women	240
Prefer not to say	11
Age	
18-24	15
25-34	68
25-44	68
45-54	74
55-64	42
Over 65	17
Prefer not to say	6
Sexual orientation	
Bisexual	33
Heterosexual/straight	206
Lesbian	10
Other	7
Prefer not to say	32
Don't know	2
Ethnicity⁴²⁰	
Asian	1
Black	2
Black British	2
Chinese	1
Greek	1
Indian	1
Latina	2
Mixed race	14
Mixed race Indian	3
Pakistani	1
White	248
Don't know	1
Prefer not to say	13
Role	
Non-manager	197
Manager	87
Prefer not to say	6
Total	290

⁴²⁰ Respondents were asked to self-identify their ethnicity, with some more specific than others. We have retained the level of specificity respondents reported.

APPENDIX G: Characteristics of respondents to the manager survey

Characteristic	Number of respondents
Gender	
Woman	88
Man	148
Age	
25-34	20
25-44	51
45-54	86
55-64	64
Over 65	12
Prefer not to say	3
Ethnicity	
Asian/ Asian British: Indian	4
Black/ Black British: African	3
Black/ Black British: Caribbean	1
Latinx	2
Mixed / Multiple ethnic groups: Any other Mixed / Multiple ethnic background	2
Mixed/ Multiple ethnic groups: White Asian	1
Mixed / Multiple ethnic groups: White and Black African	1
Mixed / Multiple ethnic groups: White and Black Caribbean	1
White	218
Prefer not to say	3
Sector	
Charity, voluntary organisation, or trust (third sector)	25
Private sector	102
Public sector	107
Prefer not to say	2
Size of organisation	
1-249 (SME)	61
250+ (Large)	172
Don't know	3
Role	
Junior or middle manager	152
Senior manager	81
Prefer not to say	3
Total	236

