

Sexual Harassment in the Workplace

Sexual harassment can happen to anyone, anywhere, at any time. Yet all too often, it happens in the workplace. Congress Social Policy Office DR LAURA BAMBRICK shares some of the findings of a recent Congress survey of trade union members' experience of sexual harassment at work.

Ahead of the International Day to End Violence against Women on November 25, a UN designated day which kick-starts 16 days of activism against gender-based violence, the Irish Congress of Trade Unions conducted an online survey of more than 1,300 union members *with* experience of sexual harassment and sexual assault in the workplace.

Sexual harassment is defined in the Employment Equality Acts 1998-2015 as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The survey focused exclusively on people's experience of unwanted sexual behaviour at work, rather than measuring the scale of the problem. We know from international studies that around 1 in 3 working women will experience sexual harassment in the workplace over the course of their working life. The purpose of the Congress survey was to gain a deeper understanding of workers' experience - the type of incident, the perpetrator and location, the barriers to reporting, and the impact sexual harassment has on the lives of those affected.

For instance, the Christmas party has long been identified as the most common off-site location of workplace sexual harassment, and this is borne out in our survey. However, the extent of unwanted sexual behaviour from colleagues taking place online also reported points to a growing problem in the modern workplace. One in five (20 per cent) of the most recent incident experienced by respondents had taken place at a work-related social event. One in seven (14 per cent) had taken place on the phone, by email or over social media.

Incidents and Perpetrators

We asked respondents to select from several options the type of sexual harassment they had experienced and allowed them select more than one option in recognition of the fact they might have had multiple experiences.

The most common type of sexual harassment incident reported by respondents were verbal e.g. unwelcome jokes of a sexual nature (1 in 2 incidents); verbal sexual advances (2 in 5), comments of a sexual nature about their body or clothes (1 in 3). Around one in seven (15 per cent) of respondents reported experiencing unwanted sexual touching or attempts to kiss them. Two per cent reported being seriously sexually assaulted or raped at work, of which five respondents said that this occurred within the past 12 months.

In line with existing research, the Congress survey found that in eight out of ten cases (81 per cent) the harasser in the most recent incident was a man. For the majority, their harasser had been a colleague (1 in 2 incidents). One in three (31 per cent) reported that their direct manager or another manager was their harasser.

Reporting and Impact

The survey found a high number of workers experiencing sexual harassment take no action – either formal or informal, and an unacceptably high level of dissatisfaction with their employer's actions among those who do report. Four in five workers (81 per cent) took no action, while only one in four of the small minority who did report sexual harassment to their employer felt it was taken seriously and dealt with satisfactorily.

While the #MeToo movement has shed light on the hidden problem of sexual harassment and sexual assault at work and empowered women to speak out, the fear of a negative impact on their career or their working relationships were the most common reported reasons for not taking action (3 in 5 respondents). Two in five took no action because they felt they would not be believed, taken seriously or they would be blamed. Worryingly, 1 in 10 did not know that they could report the sexual harassment to their employer or how to go about reporting the incident.

Respondents were asked to list the effects the harassment had on them. Feeling embarrassed (1 in 2 respondents), cautious of certain work situations (2 in 5) and less confident at work (1 in 3) were all cited by respondents, as well as it having a negative professional (1 in 6), psychological (1 in 4) and physical (1 in 10) impact.

Congress Recommendations

Trade unions and employers play an important role in preventing sexual harassment and violence at work.

Congress together with trade unions across Europe are actively calling for the ratification by Member States of the 2019 ILO Violence and Harassment in the World of Work Convention.

The Employment Equality Acts places a legal responsibility on employers to have policy and procedures in place to prevent and deal with sexual harassment in the workplace. We need to see more urgent action to tackle this problem – raise awareness such behaviour is unacceptable and may be subject to discipline, adopt comprehensive and accessible policy, put in place robust procedures for reporting, for supporting victims and for dealing with perpetrators.

Congress wants to see more employers making use of the provision in the Department of Justice Code of Practice on Sexual Harassment at Work to have designated people to make an initial informal approach to the harasser in circumstances where it is too difficult for the worker to explain to the harasser that the conduct is not welcome, that it offends them or make them uncomfortable. After all, most of those who experience sexual harassment at work simply want the harassment to stop and to do their job without interference.

There needs to be real consequences for employers who do not comply with their obligations under the Acts. Everyone has the right to respect and wellbeing at work.