

Evidence submitted by the Scottish Women's Rights Centre to the Standards, Procedures and Public Appointments Committee at the Scottish Parliament on the protection of workers from sexual harassment, and campaigns and initiatives that succeed in bringing about positive cultural change in the workplace.

Overview

We know that sexual harassment doesn't exist in a vacuum; it is part and parcel of a broader picture of gender inequality that runs deep throughout our society. Much like other forms of violence against women sexual harassment is frequently minimised and underestimated by employees, employers and the public alike. Criticism is levelled at those who are victims for not doing enough to stop it, for not reporting it, for not telling anyone.

The Scottish Women's Rights Centre exists because of abuses of power and because a gap persists between women's experience of violence and abuse and their access to justice. It has only been in recent months that attention has been directed towards those inflicting harm; we welcome today's discussion as part of a much bigger conversation about power, abuses of power and what we are going to do about it.

Protection of workers from sexual harassment

In preparation for giving evidence, Katy Mathieson, co-ordinator of the Scottish Women's Rights Centre spoke with two survivors of sexual harassment on their experiences in the workplace; one was employed in a statutory service and the other in a government funded business.

Katy received the following feedback which demonstrates the lack of protection available despite the presence of gender-based violence and harassment policies.

Lily* experienced sustained sexual harassment for years before being raped, Tasha* knew the perpetrator to be a bully but had no warning before she was seriously sexually assaulted in her workplace. Both Tasha and Lily experienced poor support from their line manager, and despite both organisations having relevant policies and procedures in place, neither employer followed them.

"Every policy was in place, on paper they looked like the perfect employer, but they just called me a liar"

Both survivors reported their experiences to the Police but their cases did not proceed. In work, one woman attended six grievance procedures in twelve months. Both women felt that their only option was to go to an employment tribunal, where they experienced issues with their union funding representation at the tribunal and felt pressure to accept an offer they were unhappy with in a tight timescale.

"I had two hours to make a life changing decision or the offer would be withdrawn"

Lily and Tasha both felt that the process protected the service and business but not them, the victim. As a result the process also protected the perpetrator but not those he would work with or subsequently provide a service to. Both suspected that they were not the first victim of their attacker.

Both women were silenced by gagging and confidentiality clauses that were used to stop them speaking about what they experienced. This inflicts further trauma on victims', and removes control over who, when and what they share with others that is often necessary to recover from trauma. This supports and reinforces the unequal power dynamic that underpins sexual harassment and gender based violence.

The attacks and subsequent process had detrimental impacts on both Lily and Tasha's mental health, worsened their trauma and both women face difficult financial circumstances after leaving their jobs. Both perpetrators remain in full time employment.

The Scottish Women's Rights Centre was also contacted by a survivor of gender based violence in the Scottish Parliament which she has raised and is yet to receive a response to. She commented:

"It is hard to believe that The Scottish Parliament is really serious about these issues, or listening to people who feel they may have been victims. I have another experience where I was sexually harassed by a member of staff from a political party on parliament premises - but I now have absolutely no confidence in reporting it."

*Lily and Tasha are pseudonyms to protect the identity of the survivors.

Further issues that have been raised with SWRC around sexual harassment include:

- (i) The three month time bar for historic allegations at employment tribunals is an unrealistically tight time frame which acts as a barrier to justice;
- (ii) The importance of having policies on both harassment **and** victimisation/retaliation; due to the consequences of reporting/complaining about sexual harassment;
- (iii) Transparency and accountability; oftentimes policies exist and are simply not followed, or there is no low-risk feasible avenue for victims to pursue free from fear of repercussions. There have been various calls for independent third party investigation units for the handling of sexual harassment;
- (iv) Immigration as a compounding factor in terms of women's vulnerability to exploitation and harassment when reporting their experiences could risk their and their families status in the UK;
- (v) The relative invisibility and power dynamics within different industries and the importance of any protective measures should therefore be mindful of workers in all industries, including those such as retail or hospitality where harassment is often perpetrated by third parties.

Examples where organisations have a range of sanctions applicable to sexual harassment offences

In the context of the Scottish Parliament significant consideration should be given to the additional power dynamics that manifest in addition to the existing unequal relations between genders and the potential abuses of power. The Scottish Public do not have the power to recall MSPs and it is therefore appropriate to consider what other actions can be taken to sanction inappropriate behaviour that may not be criminal.

MSPs are instructed to abide by a code of conduct:

"Treatment of others

- 5. Members must treat other MSPs with courtesy and respect.
- 6. In addition, Members must treat parliamentary staff (which includes contractors providing services to the Parliament) together with the staff of MSPs with courtesy and respect. Complaints from staff of bullying or harassment, including any allegation of sexual harassment, or any other inappropriate behaviour on the part of members will be taken seriously and investigated."

Yet there is very little information easily accessible that details the process and procedure if MSPs do not adhere to the code of conduct. It is our view that this is an issue which requires leadership, and that Political Parties should adopt a zero tolerance approach to sexual harassment and inappropriate behaviours. Complaints should be investigated thoroughly, swiftly and support and information provided to the complainant throughout. The rights of the accused must also be respected.

Though it can be easy to fall into a trap of calling for new solutions and methods for combating sexual harassment and problematic behaviours, we must remember that often the problem lies in policies and procedures not being followed, rather than their not being present. We strongly recommend that emphasis is placed on strengthening basic process, accountability and transparency to give victim-survivors the confidence they need to believe that any complaint they make will be dealt with robustly.

Campaigns and initiatives that succeed in bringing about positive cultural change in the workplace

The persistent prevalence of sexual harassment would indicate that as yet there has been limited success in bringing about positive cultural change in the workplace through law, initiatives, campaigns or otherwise. The SWRC, as a specialist legal service for women survivors of gender based violence, would welcome the opportunity to work with the Scottish Government on the development of a Sexual Harassment campaign.

Sexual harassment is rooted in inequality; to eradicate it concerted effort must be exerted in changing the sexist attitudes which underpin it. Any campaign must be adequately resourced if it is to have impact.

Important factors to consider:

- i. There is currently a tendency of victim blaming in discussions and campaigns around sexual harassment;
- ii. Campaigns targeted at perpetrators are more effective in assuring victims that their experience will be taken seriously if reported and placing responsibility where it truly lies, on both the perpetrator and the employer;
- iii. A great deal of awareness raising needs to happen to inform people what constitutes sexual harassment and to empower workers to know their rights (SWRC have [produced a guide](#) on Sexual Harassment in the workplace). Employers should be encouraged to support and embed practice through induction policies and **on-going** training to foster a culture where workers know sexual harassment will not be tolerated. A one off tick box exercise is not sufficient.
- iv. Ally programmes that engage supportive audiences in standing up for equality frequently focus on creating the positive cultural change that is required for employees to feel comfortable whereas bystander programmes tend to focus on how to challenge or deflect certain behaviours. In order to be effective the Scottish Women's Rights Centre believe that a dual approach is required, i.e. an ally scheme in which bystander intervention is a core component.

In summary: The Scottish Women's Rights Centre would recommend a Government funded awareness campaign created with the input of survivors' organisations, supported by the development of an ally scheme with bystander intervention as a core component. All of this must be supported by excellent policies (against harassment and retaliation) and the involvement of a third party investigator to increase accountability and transparency.

Prevention and education are key to the long term eradication of all violence against women; sexual harassment happens in schools, colleges and universities and the responses are frequently formative in terms of building expectations of how sexual harassment will be dealt with, for both perpetrators and victims. The [Rape Crisis Scotland Prevention Programme](#) has been working with secondary schools across Scotland to challenge attitudes and improve awareness of the impacts of sexual violence.

Campaigns worth attention:

Awareness raising | It happens here | <https://ithappenshereoxford.wordpress.com>

Includes: awareness workshops on consent and for men on becoming agents of positive change; advocacy around policy development and implementation and outreach – fundraising for OSARCC (Oxford Sexual Abuse and Rape Crisis Centre) with whom they have developed a Sexual Harassment app with options, support contacts and FAQs.

Accreditation schemes | White Ribbon |

<https://www.fifedirect.org.uk/topics/index.cfm?fuseaction=page.display&p2sid=05124CC7-C6EF-7AB5-DEA4482062058CD8&themeid=79F2819F-4DB4-448D-A6D8-3C55AB04F634>

Offers a male focussed ally scheme that incentivises good practice.

Workplace champions | Barnado's LGBT |

http://www.barnados.org.uk/what_we_do/our_work/lgbtq/professionals/ally-network.htm

There are many schemes supporting the LGBT community in the workplace. It would be worth looking at where elements of these could be adapted to similarly provide opportunities and training for champions and avenues for people to report, knowing they will be supported to do so in a way that doesn't require them to go to their superior.

Research | Zero Tolerance Scotland |

<http://www.zerotolerance.org.uk/resources/sexism-waste-need-tackle-violence-and-misogyny-scotlands-workplaces>

Scotland specific research on sexism in the workplace and its impact.

Bystander and Ally programmes focus on creating cultural change and enabling challenge, examples which may be of interest include:

On training and empowering the bystander:

<https://www.nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html>

Stonewall's work on straight allies: https://www.stonewall.org.uk/sites/default/files/straight_allies.pdf

This is an evidence based bystander approach, specifically worth reading the learning outcomes:

<https://cultureofrespect.org/program/bringing-in-the-bystander/>

<http://acalltomenuk.org.uk/service/workshops/>.

Another example is the It's On Us campaign, more effective as they focus on potential solutions rather than potential problems. The key to these is a good quality campaign that engages with empathy and compassion; from experience case studies/survivor input is absolutely fundamental to delivering this -

http://www.huffingtonpost.co.uk/entry/its-on-us-week-of-action_n_6159568

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