

EQUALLY SAFE AT
WORK



Guidance for line managers
on sexual harassment

Contents

Introduction	2
Equally Safe at Work	3
What is sexual harassment?	5
How sexual harassment affects women and the workplace	11
Sexual harassment and the law	13
Factors that facilitate sexual harassment	14
Recognising the signs	19
Starting a conversation	22
Responding to sexual harassment	23
Third party harassment	30
Managing perpetrators	31
Policies and practices	32

Introduction

This guidance provides information for line managers on workplace sexual harassment. It aims to build capacity and increase understanding among line managers about how best to respond to and prevent sexual harassment. Increasing understanding about sexual harassment is necessary to meet the standards of Equally Safe at Work.

Sexual harassment is a form of violence against women (VAW), and while both men and women can experience it, women are disproportionately affected and it's usually perpetrated by men. The guidance provides information on what sexual harassment is, examples of what it looks like in the workplace, and why women are reluctant to report. It also outlines the law around sexual harassment, how it impacts the workplace, and how gender roles, everyday sexism and workplace culture facilitate sexual harassment. Finally, the guidance provides information on how to recognise the signs an employee is being harassed, how to start a conversation, and best practice for responding to a disclosure or report.

About the guidance

This guidance is part of a wider learning resource on sexual harassment at work that is available, and should be used alongside your organisation's VAW policy, and sexual harassment policy. Your practice as a line manager should be guided by these policies. If you are unsure about what to do, you should contact your organisation's HR department.

On page 32 you'll see how this guidance links to other policies in your organisation.

Equally Safe at Work

Equally Safe at Work is an innovative and world-leading accreditation programme. It supports the implementation of Equally Safe, the Scottish Government and COSLA joint strategy to prevent and eradicate violence against women and girls. Equally Safe recognises that violence against women and girls is a cause and consequence of gender inequality. Eliminating women's workplace inequality and other inequalities in society is therefore a fundamental step in preventing VAW. Equally Safe at Work uses the shortened VAW because of its employment focus.

Equally Safe at Work supports organisations to progress their work on gender equality and to prevent VAW both in the workplace, and in the wider community. Employers work towards meeting criteria in six standards: leadership, data, flexible working, workplace culture, occupational segregation and VAW. Work to meet the criteria includes undertaking training and capacity building, collecting and analysing data, developing initiatives, reviewing and updating policies and practices, and disseminating resources to key people.

Equally Safe at Work Framework

Standards

Leadership

Data

Flexible
working

Occupational
segregation

Workplace
culture

Violence
against
women

Gold

Silver

Bronze

Development

An integral part of Equally Safe at Work is increasing capacity in line managers to respond effectively to reports of sexual harassment and build an understanding of how to support employees affected.

What is sexual harassment?

Sexual harassment is unwanted conduct of a sexual nature, which is intended to, or has the effect of, violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Unwanted means the same as unwelcome or uninvited. It means unwanted by the person who is being sexually harassed, often referred to as the victim-survivor, and should be considered from their point of view.

Even if there's no intention to cause distress, it can still have the effect of violating someone's dignity or creating an offensive environment.

Sexual harassment, while usually viewed as an issue between the harasser and victim-survivor, is a form of VAW and therefore is intrinsically linked to gender inequality. Women, especially young women, are disproportionately affected by sexual harassment.

Examples of sexual harassment include:

- Unwelcome physical contact, such as a hand on the knee or lower back or shoulder rubs;
- Sexual comments or jokes of sexual nature;
- Unwelcome sexual advances;
- Receiving unwanted messages with material of a sexual nature by email or social media;
- Being forced to watch or listen to sexually graphic videos or audio.

- Sexual assault which could include unwanted touching of breasts, buttocks, or genitals, or attempts to kiss you;
- Promises in return for sexual favours;
- Displaying sexually graphic pictures;
- Feeling uncomfortable when alone with a male colleague; and
- Threats or intimidation.

Sexual harassment outside of working hours and the workplace

Sexual harassment can also take place outside of working hours and/or the workplace. It also doesn't just happen face to face, but also through email, text and online platforms. Evidence shows that perpetrators are manipulating new communications channels to sexually harass women.

With increased numbers of employees working from home or remotely as a result of Covid-19, more women have been subjected to online sexual harassment. While this was also happening prior to Covid-19, the increased reliance on technology in the workplace means that perpetrators have had greater access to women that wasn't available before, for example, the ability to see when colleagues are online or the ability to send private messages or pictures constantly throughout the day.

Perpetrators may use the ability to 'hide behind the screen' to threaten, intimidate or harass their colleagues. They may make sexual advances, inappropriate comments or jokes, or send unwanted pictures and videos. This could include dressing inappropriately and/or being in an informal setting while on an online call, for example, on a bed.

Sexual harassment of an employee by another employee that occurs at after work socialising, or in the employee car park is also relevant to the workplace and should be reported. It doesn't need to only happen in the workplace during office hours for it to be a workplace issue.

The prevalence of sexual harassment

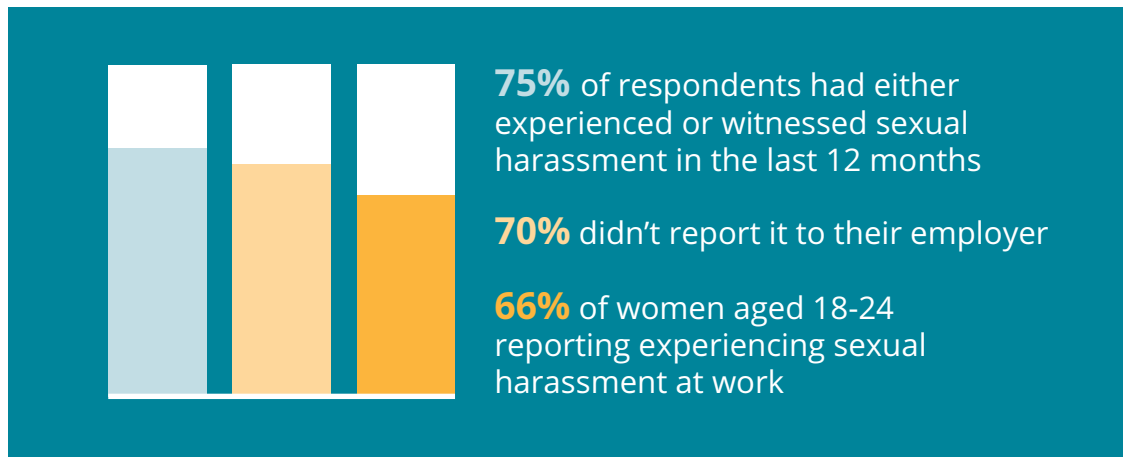
Sexual harassment is a form of VAW and is a cause and consequence of gender inequality in the workplace. As a result of the #MeToo movement¹, the prevalence of sexual harassment in the workplace is now a high profile issue and there's increasing pressure on employers to take action.

Levels of sexual harassment are higher in male-dominated workplaces, and in workplaces where women are less likely to be in leadership roles. This is because in male-oriented workplace cultures, gender norms and stereotypes are particularly acute.

The Equally Safe at Work survey of employees in early adopter councils found that three-quarters (75%) of respondents had either experienced or witnessed sexual harassment in the last 12 months². Of those, the vast majority (70%) didn't report it to their employer. Experiences included unwelcome jokes of a sexual nature, feeling uncomfortable when alone with a male colleague, comments of a sexual nature about a woman's body or clothes, displays of pornographic photographs or drawings in the workplace, unwelcome verbal and physical advances, and unwanted touching.

¹ #MeToo is a movement started in 2006 that gained global prominence in 2017. The movement highlights the widespread prevalence of sexual assault and harassment.

² Close the Gap (2021) *Equally Safe at Work: Findings from the pilot evaluation*.



Research³ found that 70% of women in Scotland had witnessed or experienced sexual harassment at work. UK research by the TUC⁴ found that nearly two-thirds of women aged 18-24 years old reported experiencing sexual harassment at work. Women on casual or temporary contracts, women working in more junior roles, and women working in male-dominated work environments experience particularly high levels of sexual harassment.

Example of sexual harassment

A young woman had recently started working in a junior role in the organisation. After several months in post, one of her senior male colleagues started to act inappropriately towards her. He would comment on her clothing, and on occasion would pick hair off her blouse or thread from her skirt. At the staff Christmas party he asked her to sit on his lap. She felt uncomfortable with his behaviour and reported to HR who viewed the various incidents as sexual harassment.

³ Zero Tolerance (2017) *Sexism is a waste: The need to tackle violence and misogyny in Scotland's workplaces.*

⁴ TUC (2016) *Still just a bit of banter? Sexual harassment in the workplace in 2016.*

Reluctance to report

Sexual harassment is often underreported. A survey by TUC found that more than three-quarters of victim-survivors (79%) didn't report unwanted sexual behaviour to their employer⁴. Women reported that this was because they thought that:

- Nothing would change;
- They wouldn't be believed;
- They'd be dismissed or told they can't take a joke;
- They were unsure of the reporting process;
- They didn't know who to report to;
- They'd seen colleagues or friends report before and nothing happened; or
- They were worried that it would affect their job progression.

In research by the Equality and Human Rights Commission (EHRC)⁵, survey respondents reported that they were reluctant to report because their senior management team was all male and had colluded with the harasser. In addition, victim-survivors stated that inexperienced and unsupportive line managers were seen as barriers to reporting. Sexual harassment was often viewed as a problem that the individual, rather than the employer, had to deal with. In some cases, victim-survivors were even discouraged by their line manager from reporting it.

Women who are marginalised because of their multiple identities experience these barriers most acutely. For example:

- disabled women report that they are less likely to be believed than non-disabled women⁶;

⁵ EHRC (2018) *Turning the tables: Ending sexual harassment at work*.

⁶ UN Women (2020) *Sexual harassment against women with disability in the world of work and on campus*.

- LGBTI people are often silenced from reporting by fear of being 'outed' at work⁷; and
- the harassment experienced by Black and racialised women may be overlooked in workplaces, with responses emphasising the racist or sexual/sexist element at the exclusion of the other ⁸.

Another reason women may not report their experience is that they don't recognise the behaviour as sexual harassment. This is because the everyday and normalised nature of it means that many victim-survivors don't label their experience as sexual harassment. This is often the result of sexist workplace cultures either in their team or more widely in the organisation.

Additionally, generic workplace policies on bullying and harassment that don't recognise gender and power dynamics can influence whether employees will come forward. Using language that doesn't accurately reflect the experience of victim-survivors, for example, using the term 'complainant', can create barriers to reporting.

⁷ TUC (2019) *Sexual harassment of LGBT people in the workplace*.

⁸ TUC (2016) *Still just a bit of banter? Sexual harassment in the workplace in 2016*.

How sexual harassment affects women and the workplace

The impact on women

Sexual harassment affects women in a variety of ways. It can have serious physical, psychological and professional impacts on victim-survivors. Victim-survivors report experiencing mental health problems, including feelings of anxiety and shame, as well as feeling less confident at work or avoiding certain work situations.

Many women subsequently take time off work or change jobs, meaning that sexual harassment is costly both to women's careers and to employers as they lose key people. Sexual harassment harms women's employment prospects, and as such is both a cause and consequence of women's wider inequality. Women often leave organisations where sexual harassment is common and goes unaddressed.



The impact on the workplace

Sexual harassment also has a negative effect on colleagues and the wider organisation. Workplaces where sexist jokes and comments create and perpetuate a sexist organisational culture can lead to more serious cases of sexual violence, such as rape or sexual assault. It can also lead to damage to the organisation's reputation and poor employee retention. Research shows that in organisations where there's frequent sexual harassment or sexist behaviour, it negatively affects the overall wellbeing of the workforce⁹.

It's clear that sexual harassment can have serious bottom-line consequences because of the negative impact on staff engagement and productivity, which in turn can undermine organisational effectiveness. Organisations with a reputation for poor practice on sexual harassment will also have a smaller pool of candidates to select from when recruiting.

Employers have a legal responsibility to employees to appropriately respond to and prevent sexual harassment, and may face financial and reputational risks if they do not act appropriately.

⁹ Campbell, H. and Chinnery, S., (2018), *What works? Preventing and responding to sexual harassment in the workplace: A rapid evidence review*, Care Insights, Care International.

Sexual harassment and the law

Under the Equality Act 2010, employers must take 'reasonable steps' to prevent the sexual harassment and victimisation of individuals who work for them. Employers are liable for sexual harassment committed by their workers in the course of their employment unless they can demonstrate that they took all of the 'reasonable steps' available to them to prevent it¹⁰.

There's no prescribed minimum for what constitutes 'reasonable steps' to prevent sexual harassment. An employment tribunal would judge this based on the size and nature of the employer, its available resources, and specific risk factors pertaining to the employer or sector. However, the EHRC states that 'reasonable steps' should include an anti-harassment policy and appropriate procedures for reporting harassment and taking action¹¹. The EHRC also recommends that employers take proactive steps to prevent sexual harassment by addressing power imbalances within institutions.

Victimisation

Victimisation is one of the biggest barriers for women reporting sexual harassment. It's important for line managers to recognise the role that fear of victimisation plays in relation to how they approach and deal with sexual harassment. Victimisation means treating an employee less favourably because they have made a complaint about sexual harassment. In this context, it could also mean subjecting an employee to poor treatment because it's believed that they may make a complaint but haven't yet. While many of the legal requirements for sexual harassment fall under the responsibility of senior leaders and HR, as a line manager it's good practice to understand employer liability and victimisation. This may help inform your approach for supporting an employee.

¹⁰ Section 109(4).

¹¹ EHRC (2018) *Turning the tables: ending sexual harassment at work*.

Factors that facilitate sexual harassment

There are a variety of factors that perpetuate sexual harassment in the workplace. Understanding some of the root causes will enable you to better support victim-survivors in the workplace and to take steps to prevent it in your team.

Traditional gender roles

Sexual harassment in the workplace largely reflects power imbalances based on gender and is part of a continuum of inequality that women face in the workplace and everyday life.

Traditional gender roles and stereotypes around how men and women should act are replicated in the workplace, and they're a driver of sexual harassment. For example, women may be asked to take notes in meetings, or make tea and coffee when that is not part of their job. People may assume that a woman is in a lower role than she is because of her gender. It also means that men are usually in leadership or senior roles, while women are often in roles that are seen as 'women's work'. Because women do the majority of childcare and care in the home, gendered assumptions are made about their capabilities, preferences and career ambitions. Men routinely have more power in the workplace because of their higher status and pay and as a result are over-represented in decision-making roles and in wider society.

Line managers should consider what action they can take to reduce power imbalances in their team by, for example:

- taking steps to reduce feelings of isolation;

- addressing the under-representation of men or women in particular jobs; and
- providing sufficient support for workers at all levels.

Everyday sexism

Women report that their experiences are often minimised by colleagues or dismissed as 'banter'. This is because of sexist workplace cultures which enable sexual harassment to go unchallenged, and undermine women in the workplace in more or less subtle ways. Everyday sexism is visible in formal and informal interactions, and manifests in a number of ways in the workplace.

Examples of everyday sexism

- Women's contributions being valued less, for example, their ideas being dismissed in meetings, or their contributions being initially ignored, only to be repeated by a male colleague later and received positively.
- Women being assigned to fewer higher visibility projects despite having equivalent skills and experience to their male colleagues.
- Women being expected or asked to make the tea or take minutes, irrespective of their role.
- Sexist jokes and remarks dismissed as 'banter', including a preoccupation with a woman's physical appearance, including her clothes.

- The use of language which diminishes, infantilises or sexualises women, for example referring to colleagues as 'the girls', or calling a colleague 'darling' or 'love', which creates an environment where women feel they are seen as less valuable or held in contempt.
- Stereotypical expectations around the type of work or the position a woman, or man, would hold, for example, assuming a woman is a lower grade when she is a senior manager, or a man being assumed to be the manager of a team by a visitor from another department.
- Suggesting a female colleague only got a promotion because the hiring manager found her attractive or implying she had slept with him.
- Referring to a female manager as 'bossy' while male managers are seen as assertive and strong.
- The, often unspoken, assumption that women will organise collection sheets, gifts, and nights out for colleagues.

Everyday sexism disempowers women and makes it hard for them to feel like they can come forward. It creates a conducive environment for sexual harassment and makes it difficult for women to feel like anything will change.

Workplace culture

Workplace culture plays a central role in enabling sexual harassment and sexist behaviour. This is because organisations that tolerate this type of behaviour signal to harassers that it's normal and acceptable.

Workplace cultures are perceived to be tolerant of sexual harassment when sexually harassing behaviours go unchecked by managers and colleagues. When this happens, victim-survivors feel less comfortable reporting sexual harassment and may be worried they'll face retaliation if they do.

Establishing a positive and inclusive culture that challenges the everyday nature of sexual harassment is the first step in preventing it. Sexual harassment takes place in part because employees with sexist beliefs and attitudes believe their behaviour isn't bad and that they won't face any consequences for their actions.

Where there's clear signalling that sexual harassment won't be tolerated and has serious consequences, perpetrators are less likely to harass. Furthermore, workplace culture can affect the effectiveness of training on sexual harassment. Employees who think that their employer tolerates sexual harassment have lower levels of motivation to attend the training or engage with the content¹². Therefore, unless employers effectively challenge negative culture, actions to address sexual harassment will be unsuccessful.

It's necessary that employers, and individual line managers, clearly communicate and demonstrate that sexual harassment is unacceptable. Reviewing and reflecting on workplace practice is a good place to start. For example, reviewing how easy it is for employees to make a report of sexual harassment or looking at how recent reports of sexual harassment have been dealt with. Employers can also undertake an audit of the workplace culture to understand employee experiences and monitor the prevalence of sexual harassment. It's important to remember that sexual harassment is not just an individual issue but also an organisational challenge that affects everyone.

¹² 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).

Example of sexual harassment

A line manager of a waste depot site noticed that in the employee changing room there was a sexually explicit calendar displayed. The line manager organised a team meeting to inform his colleagues that having sexually explicit material on display was inappropriate and not tolerated by the council. The line manager continued to explain that displaying this material created a negative workplace culture that perpetuated sexist beliefs and attitudes.

Recognising the signs

Victim-survivors are reluctant to report their experience because of a fear of not being believed or being judged, or believing nothing will change. Therefore, it's good practice to be able to recognise the signs that someone may be experiencing sexual harassment and start a conversation with them. It's important to remember that these signs also apply to employees who are working from home or working remotely. It may be harder to detect but you should remember these staff members may also be affected.

Examples of how you may be able to recognise sexual harassment, or other forms of VAW, include:

Performance signs

- Changes in the quality of their work for unexplained reasons, despite a previously strong record;
- Suddenly starting to miss deadlines;
- Turning down professional development or training opportunities;
- Minimal participation or contribution in team meetings;
- Unresponsive in online chats, or constantly offline; and
- Visibly uneasy or tense during team meetings, if online.

Attendance signs

- Being persistently late without explanation or leaving early;
- Working extra hours for no reason, or coming in early or staying late to avoid office hours; and
- Having more frequent or sporadic absences without explanation.

Behavioural signs

- Avoiding lunch or coffee breaks or socialising at the end of the day;
- Withdrawing from previous sources of support, including team chats or catch-ups;
- Changes in their behaviour such as becoming quiet, avoiding speaking to colleagues;
- A loss of confidence and self-esteem;
- Avoiding certain male colleagues or being visibly uncomfortable around male colleagues;
- Feeling depressed, anxious, distracted, or having problems with concentration;
- Increased stress or being easily overwhelmed;
- Being withdrawn or detached; and
- Being easily startled.

Physical signs

- A change in their appearance, such as the amount of makeup worn or clothes they're wearing;
- Fatigue or exhaustion;
- Increased physical tension;
- Panic attacks;
- Sleeping and/or eating disorders;
- Substance use and/or dependence; and
- Depression and/or suicide attempts.

This list isn't exhaustive and there may be other signs that something is not right. However, if you do notice anything happening, it's a good idea to start a conversation to check in.

Identifying sexual harassment

It's good practice to be aware of what is happening in the workplace. There may be signs that sexual harassment is happening, beyond informal and formal complaints. Line managers should use routine one-to-one meetings to give women an opportunity to raise issues with them, even where there are no warning signs of harassment, for example, through:

- Informal one-to-ones;
- Sickness absence or return to work meetings;
- Meetings about performance; and
- Exit interviews.

Starting a conversation

Women affected by sexual harassment may not discuss what's happening because they don't know how to report, or what support is available. If you suspect one of your team is being sexual harassed or affected by another form of VAW, you should facilitate a conversation. There may be cases where you try to do this and the employee chooses not to disclose or report. If this happens, it's important to respect their decision. Respecting their decision can show that you're approachable and non-judgemental.

Questions you can ask to start the conversation may include:

- I've noticed that you're not yourself lately, is everything okay?
- Are there any problems that may be contributing to your frequent sickness absence and why you're missing deadlines?
- Is everything alright at work?
- Is there anything happening at work that's concerning you?

Responding to sexual harassment

If an employee discloses or reports sexual harassment, it's good practice to respond in a non-judgemental and sensitive way. Some women may disclose to you without wanting to make a formal report to HR. The way you respond can affect whether they will access further support or formally report later on. It can also affect whether other colleagues will come forward in the future. It's important that the victim-survivor feels believed and not blamed.

Women report that their line managers sometimes seem uncomfortable or unsure what to say after they disclosed or reported. Some women have stated that after reporting, their line manager avoided the topic or made inappropriate jokes or comments. Some women also say they felt let down or unsatisfied with what happened and waited months before going to HR to further report it.

Steps to respond effectively

Listen to the victim-survivor and take their disclosure seriously.

Inform the victim-survivor that you believe them.

Reassure them that you understand how it may be affecting their work performance and what can be done to support them.

Reassure them that their disclosure will be treated confidentially.

Respect and accept their thoughts and ideas.

Reassure them that their needs are a priority.

Provide information about specialist support services, such as Scottish Women's Rights Centre and Rape Crisis Scotland.

Offer practical support, such as flexible working, the employee assistance programme, mental health support, or suggest contacting their union representative.

Inform them of what the next steps are, if they want to make a formal report, or whether there will be an investigation.

Ask if there's anything else you can do support them through the process.

Organise a time to check in in the future.

What you can do when the victim-survivors doesn't want to report

- Respect the victim-survivor's wishes not to take action.
- Keep a record of the complaint, and the victim-survivor's request to keep the matter confidential.
- Work with the victim-survivor to address solutions which don't place responsibility on them.
- Offer to informally speak to the perpetrator on behalf of the victim-survivor.
- Keep the situation under review by checking in with the victim-survivor to find out if the situation has improved.
- Where the situation hasn't improved, explain to the victim-survivor that it's necessary to address the issue both for their wellbeing and that of their colleagues.

What you can do when the victim-survivor wants to formally report

- Tell them how to make a complaint. It's important that the victim-survivor doesn't feel discouraged by the process.
- Inform them of the different ways to report, this may include either reporting to HR or, where in post, a Gender-Based Violence Support Officer. Informing victim-survivors of the different ways to report is important to ensure that they are not required to report an incident to the perpetrator or someone who they may feel will not be objective.
- Offer different support mechanisms for victim-survivors and for managing perpetrators effectively.
- Reassure the victim-survivor that victimisation or retaliation against her will not be tolerated and inform her of what to do if that happens.

Practical steps for supporting victim-survivors

- Change desk position or office layouts to move the perpetrator away from the victim-survivor.
- Move the perpetrator to a new location (this may be during an investigation).
- Encourage the victim-survivor to keep records of any incident in the workplace or any continued inappropriate behaviour.
- Ensure that any personal information that is kept on the victim-survivor is not accessible to other staff members.

Case study

Identifying sexual harassment

Louise recently started working as an administrative assistant for the learning and development team. She enjoys her job and generally gets along with her colleagues.

One of the managers in the team, Gary, has started giving her unwanted attention. He'll often follow her to the kitchen, and because of where her desk is located, he'll stop and chat every time he walks past.

At first, Louise thought Gary was just being friendly, but over the past few weeks it's starting to make her feel uncomfortable. He started to make inappropriate comments about her clothing. He also tried to give her a shoulder rub after saying she looked stressed. She's unsure about whether she should report this because she's new and he's been working in the organisation much longer than her. He's popular with her other colleagues and she's worried they'll think she's making a big deal out of nothing.

Nadiya, Louise's line manager, noticed that recently Louise was not herself at work. She had noticed that Louise appeared uncomfortable around their other colleague, Gary. Nadiya organised an informal catch-up with Louise in a private room in the office. She asked if everything was alright with Louise and asked if she felt comfortable working with the team. Louise shared that Gary was giving her unwanted attention but she didn't want to be seen as a problem. Nadiya stated that if Gary was acting inappropriately or making her feel uncomfortable, that this would be considered sexual harassment and could be reported formally to HR.

Louise was worried that she would be blamed. Nadiya reassured her that sexual harassment is taken seriously by the organisation and that it's never the fault of the victim-survivor. They discussed options for reporting and Nadiya offered further information on the sexual harassment policy, specialist support services and support that could be provided by the employer.

Case study

Starting a conversation

Aliya noted that the behaviour of one of her team members, Nicola, has recently changed. Nicola was primarily working from home, and has started to withdraw from discussion in online team meetings, and had stopped joining the team tea breaks. Nicola seems distracted and detached from work.

Aliya decided to speak to Nicola about this during their regular one-to-one meeting. She asked whether everything was alright at home or at work, and if there was anything that Aliya could do to better support her. Nicola shared that one of their colleagues, Allan, had been constantly messaging her on Microsoft Teams, even after work hours. Nicola was working on the project that Allan was leading on, so felt pressured to respond. Nicola also shared that he'd accidentally sent her an inappropriate picture, and later apologised, but continued to send inappropriate messages and pictures. Nicola said she felt very uncomfortable but didn't want Allan to get in trouble.

Aliya reassured Nicola that what was happening was unacceptable. She outlined what support was available Nicola, and the process for reporting, if she wanted to do that, and asked what would be best for her. Aliya reminded Nicola that she could access the employee assistance programme if she needed to, and signposted her to specialist support services such as Scottish Women's Aid and the local Rape Crisis centre. Aliya also organised a date for them to check in again in the future.

Confidentiality

When an employee has disclosed or reported, it's good practice to be clear that the information they shared will be kept confidential. Line managers are responsible for ensuring privacy is protected and that all employees are aware of their responsibility in relation to confidentiality. It's very important that the disclosure or report is not discussed openly in the office to avoid stigmatisation or victimisation of the victim-survivor.

Assessing risks relating to sexual harassment

It's good practice to conduct an assessment of risks relating to sexual harassment and victimisation after a report has been made. If a colleague reports sexual harassment or victimisation to you, or HR, it's important to assess any further risks to the victim-survivor, other colleagues or customers during the investigation process.

Existing risk management frameworks traditionally used in the workplace health and safety context could be used for this process.

Third party harassment

Employees may be experiencing sexual harassment by a customer, visitor, service user or community member. This is called third party harassment and should be taken seriously. If the victim-survivor feels comfortable, this should be formally recorded. In this situation you should also highlight what can be done to support them and the steps that can be taken to ensure their safety. This could include reallocating work, changing rotas, or ensuring they're working with another team member when possible. It's good practice to work with the employee to identify what they need to feel safe.

Example of sexual harassment

A homecare worker reported to her line manager that one of her service users was sexually harassing her. She reported that he would make inappropriate comments about her and her body. He had also on several occasions touched her or attempted to touch her inappropriately. She informed her line manager that it made her feel uncomfortable. The line manager stated that since he was an older service user that he probably didn't know what he was doing and dismissed her disclosure. The homecare worker decided to report it to HR and was informed that their duty as an employer was to protect their employees from third party harassment. In addition, the line manager was contacted by HR and was offered training on sexual harassment. The line manager was also sent guidance on best practice for responding to sexual harassment.

Managing perpetrators

When managing an alleged perpetrator in the workplace, it's best practice to prioritise the needs of the victim-survivor. It's important to recognise that both employees have rights and, if there's an investigation, that it will be handled with due process. During this time, the victim-survivor can also be supported in a variety of ways in the workplace, such as by enabling flexible working, looking at reallocating work, and signposting to specialist support services or the employee assistance programme. You may want to offer relocating either the victim-survivor or alleged perpetrator but the victim-survivor should not be forced to move. During an investigation, to ensure the safety of staff, you may want to relocate the alleged perpetrator. It's important to make sure that any actions you take are fair and in line with best practice.

You could also conduct a risk assessment to determine how best to manage the situation. The risk assessment should be conducted with the victim-survivor because they will know the situation best. It should look at risk placed on other colleagues and the entire workplace.

Policies and practices

There are a number of employment policies that should be available to support your approach as a line manager.

This may include:

- **Sexual harassment policy.** It's important to have a standalone policy to address the gendered nature of sexual harassment. Generic bullying and harassment policies usually don't have a gendered analysis of sexual harassment.
- **VAW or gender-based violence policy.** This policy will have been developed as part of Equally Safe at Work and provides further information on sexual harassment as a form of gender-based violence.
- **Equality and diversity policy.** The policy will provide information on the Equality Act 2010, the organisation's commitment to equality and the importance of progressing equality and diversity in the workplace.
- **Disciplinary procedure.**
- **Policies on communication systems such IT, email and internet use.** These policies are useful for when a victim-survivor is being sexually harassed online and therefore should include information on sexual harassment.
- **Sickness absence policy.** This can be helpful for supporting victim-survivors in the workplace.
- **Flexible working policy.** This policy can support women by providing flexibility to their working hours or pattern.
- **Employee assistance programme.**

You should be aware of the policies that exist and where to find them. If you don't have regular access to a computer, a member of the HR team will be able to provide a printed copy.

Close the Gap works in Scotland on women's labour market participation. We work with policymakers, employers and unions to influence and enable action that will address the causes of women's inequality at work.

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Close the Gap (SCIO) (known as Close the Gap) is a Scottish charity, no SC046842.

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