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education trade union



# Tackling **Sexual Harassment** in Educational Establishments

March 2019



# Sexual Harassment at a glance



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Sexual harassment is unwelcome and unwanted sexual behaviour



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Sexual harassment is not 'just banter', flirting, a compliment or a joke



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Sexual harassment is widespread and affects mostly women and girls



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Sexual harassment has serious effects



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Sexual harassment is against the law – it's prohibited by the Equality Act 2010



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Tackling sexual harassment aligns with teachers' professional standards and values



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Unions have a key role to play in tackling sexual harassment and changing workplace cultures



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Specific advice for members, reps, etc



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There are lots of further information sources available

## **Introduction**

All teachers and lecturers are entitled to work in a safe environment, free from discrimination on any ground, and from harassment at work including sexual harassment. All pupils and students are entitled to learn in a safe environment, free from discrimination and from sexual harassment.

This advice is designed to support union members at all levels in challenging sexual harassment in Schools, and in Further and Higher Education establishments.

Sexual harassment is prohibited under the law (the Equality Act 2010) and it is unacceptable conduct at work. Such harmful, disrespectful and often misogynistic conduct has no place in an education setting. Unfortunately, we know that sexual harassment does occur within education settings, as it does throughout society. Indeed, awareness of the prevalence of sexual harassment has never been so high – the #MeToo movement<sup>1</sup> and several high-profile cases have raised the profile of the issue enormously.

The Women and Equalities Committee of the UK Parliament has reported that the lack of concerted efforts by employers to tackle this problem means that the burden of holding harassers to account currently rests heavily on the individual. However, many people who have experienced harassment may not want to take forward a complaint for fear of victimisation, or because they do not trust their employer to take robust action. Learners may not want to raise the issue because they do not think it will be taken seriously or they don't want to make a fuss, or be seen as uptight for challenging what is presented as 'banter' or 'just a joke'.

It is vital, then, for trade unions to take action on this issue, to improve the situation for workers; and for educationalists to play their part in improving the situation for the young people whom they teach.

Trade unions have a critical role to play in translating increased awareness of the issue into real change in the workplace, and teacher trade unions have an important part to play in changing culture and spreading awareness. Collectively, teachers and lecturers can make a difference.

## **Contents of this advice**

This advice includes:

- definitions of sexual harassment in the workplace, with examples
- information on the scale of the problem
- information on the effects of sexual harassment
- information on the legal context, and on professional standards and values
- remarks on the role of unions in challenging sexual harassment and changing cultures
- information about initiatives to tackle sexual harassment
- advice for people involved in the union, at all levels
- further reading and information sources.

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<sup>1</sup> In 2017, film producer Harvey Weinstein was accused of harassing and assaulting women over several decades, and using his position of influence to silence women. Other powerful Hollywood figures were also accused, and this encouraged further revelations in other countries, industries and workplaces. Women came forward in unprecedented numbers and shared their experiences of harassment, after the actor Alyssa Milano tweeted: "If all the women who have been sexually harassed or assaulted wrote 'me too' as a status, we might give people a sense of the magnitude of the problem." The first response was, "Me too, he was my stepfather." In the first week after Milano's suggestion, 1.7 million tweets included the phrase.

## **What is sexual harassment?**

The term sexual harassment covers a wide range of behaviour, ranging from inappropriate jokes right through to serious sexual assault; essentially it means subjecting someone to unwelcome and unwanted sexual behaviour.

### **Sexual harassment is defined in the Equality Act 2010 (s.26) as**

- **unwanted conduct** related to a relevant protected characteristic,
- **which has the purpose or effect of violating a person's dignity, or**
- **creating an intimidating, hostile, degrading, humiliating or offensive environment** for that person.

Sexual harassment can involve one or more incidents. Actions constituting harassment may be physical, verbal and non-verbal.

In deciding whether conduct has the effect of creating a hostile, degrading etc environment, as described in the Equality Act, various factors must be taken into account, including the perception of the person who alleges harassment, the other circumstances of the case, whether it is reasonable for the conduct to have that effect, and the relevant protected characteristics of the complainant, e.g. sex or sexual orientation.

Examples of conduct which constitutes sexual harassment include, but are not limited to:

### ***Physical conduct***

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, groping, or any inappropriate touching
- Pinging a girl's bra straps or lifting up her skirt
- Physical violence, including sexual assault.

### ***Verbal conduct***

- Making comments on a colleague's or peer's appearance, age, private life, etc.
- Making sexual comments, or telling sexual stories and jokes
- Making sexual advances
- Issuing repeated and unwanted invitations to social events/dates
- Sending sexually explicit messages and images (e.g. by phone, email or on social media) – sometimes known as 'sexting'
- Making job-related threats to solicit sexual favours.

### ***Non-verbal conduct***

- Displaying sexually explicit or suggestive material e.g. pornographic images
- Making sexually-suggestive gestures
- Whistling or leering
- 'Up-skirting', i.e. taking covert photos of a girl's or woman's underwear, usually done with mobile phones.

## Examples

### **Rejected for promotion after turning down a colleague's advances**

*A male Headteacher propositions a female member of his school's teaching staff. She rejects his advances and then is turned down for a promotion to DHT which she believes she would have got if she had accepted his advances. The teacher would have a claim for harassment.*

Based on EHRC Code of Practice on the Equality Act 2010 (Employment), para 7.14<sup>2</sup>

### **Exposed to sexual content online**

*Male members of staff download pornographic images on to their phones in a school and discuss them in the presence of a female colleague. She may make a claim for harassment if she is aware that the images are being downloaded and the effect of this is to create a hostile and humiliating environment for her. In this situation, it is irrelevant that the male members of staff did not have the purpose of upsetting the woman, and that they merely considered the downloading of images as 'having a laugh'.*

Based on EHRC Code of Practice on the Equality Act 2010 (Employment), para 7.17

### **Persistently touched by a peer**

*An eleven year old girl in primary seven who has just recently started to wear a bra persistently has her bra straps 'pinged' by boys in her class who also make remarks about her body and ask her what bra size she is wearing. The girl is experiencing ongoing sexual harassment; however, it would also be harassment if it only happened once.*

This kind of harassment is common in schools. GirlGuiding UK research found that 39% of girls aged 11-21 had seen or experienced a girl having their bra strap pulled by boys in one week in 2017; and 27% had seen girls' skirts being pulled up by boys.<sup>3</sup>

These examples are provided for illustrative purposes. They are not exhaustive. Sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient.

It is important to remember that teachers and lecturers can be affected by sexual harassment not only on school, university or college premises; but also at work-related conferences, at social events, on trips, on school transport, at training sessions etc. Policies must address the fact that harassment can happen anywhere, including in online spaces such as social media websites.

Likewise, learners can experience harassment outside of school/college/university, for example on school trips, at conferences, while using school transport, or on social media. Schools, colleges and universities cannot always be responsible for what happens outwith their premises, but they can

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<sup>2</sup> <https://www.equalityhumanrights.com/sites/default/files/employercode.pdf>

<sup>3</sup> <https://www.girlguiding.org.uk/what-we-do/our-stories-and-news/blogs/lets-end-sexual-harassment-in-schools/>



support any affected learners by recognising what they have experienced and offering support and advice.

### **What sexual harassment is not**

Often a person who has carried out sexual harassment will say that they were just joking or harmlessly flirting, and that they didn't intend to cause offence. This is irrelevant if it has had the effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The conduct doesn't have to be specifically or directly targeted at the person who is affected; for example, they may work in an environment where men make sexual comments about women which they regularly see or overhear.

**Sexual harassment is NOT 'just a bit of banter'. It is not 'harmless fun'. It is not 'just flirting'. It is not a joke. It is not a compliment.**

The effects of sexual harassment can be traumatic and devastating. The people affected, who are overwhelmingly women and girls, can be left feeling offended, humiliated and sometimes scared (see page 9 for more detail). Attempts to minimise sexual harassment over the years have resulted in under-reporting and have enabled serial offenders to harass multiple people without sanction. Sexual harassment should be taken seriously. It should never be minimised.

### **Who is affected by sexual harassment?**

Anyone can experience sexual harassment, regardless of their sex or gender identity, and of the sex or gender identity of the harasser. The EIS recognises that sexual harassment can occur between people of the same sex or gender identity. What matters is that the sexual conduct is unwanted and unwelcome, whoever experiences it.

That said, we know that while both women and men can experience sexual harassment in the workplace, research evidence suggests that women are more likely to experience harassment, and that it is usually perpetrated by men. Girls are more likely than boys to be harassed in school. Social attitudes, including disrespect of women and girls, and an assumption by some men that they can behave in this way, underpin sexual harassment.

Some people can be more vulnerable to sexual harassment or can experience it differently because they have a combination of protected characteristics, such as being gay, transgender, from a visible ethnic minority background or a visible faith group, such as being a hijab-wearing Muslim woman.

Sexual harassment is also a manifestation of power relationships; it often occurs within unequal relationships in the workplace, for example between managers and employees. Younger women employed on casual contracts are particularly vulnerable to sexual harassment.

Teachers and lecturers can be affected by sexual harassment perpetrated by colleagues, but we also recognise that in education settings, it is possible for harassment to be carried out by, for example, visitors, parents and carers, or by learners. Learners largely experience harassment from peers. Although it can be difficult for an employer to deal with sexual harassment when it is perpetrated by third parties, the employer is nonetheless responsible for the wellbeing of its staff if the harassment occurs during work. Employers should have specific policies to deal with sexual harassment by third parties.

## **The scale of the problem**

There is significant evidence that sexual harassment at work is widespread and commonplace, even though reporting levels are low. The TUC found that four out of five women who said they had experienced sexual harassment did not tell their employer, and only 1% of those polled told a union rep. We know that individuals may often tolerate forms of harassment such as ‘banter’ because they do not feel able to speak up, for example because of a power imbalance in the situation or because of the culture of the workplace or learning environment. Caselaw<sup>4</sup> has highlighted people’s ability to ‘soldier on’ and tolerate harassment over an extended period, putting up with behaviour that violates their dignity, because they are constrained by circumstances. It is likely, therefore, that much harassment is unreported. What we know about may be the tip of a much larger iceberg. That said, we know a lot about how common it is.

Likewise, there is recent evidence of sexual harassment being prevalent among the learning population, with girls and young women in Scotland experiencing high levels of unwanted sexual behaviour, and even though much goes unreported we can conclude that it is commonplace.

### **Evidence that sexual harassment is widespread:**

- The **TUC’s ‘Still just a bit of banter?’** report (2016)<sup>5</sup> found that more than half (52%) of all women polled had experienced some form of sexual harassment; nearly a quarter of women have experienced unwanted touching; a fifth of women have experienced unwanted sexual advances; and a fifth of respondents had been sexually harassed by their boss or someone with authority over them. In the vast majority of cases, the perpetrator was a male colleague.
- In October 2018, the **Women and Equalities Committee** of the UK Parliament published a report<sup>6</sup> on sexual harassment of women and girls in public places, which concluded that such harassment is “relentless and becomes ‘normalised’ as girls grow up, contributing to a wider negative cultural effect on society” and that while the Government has pledged to eliminate sexual harassment of women and girls by 2030 under its international obligations, there is no evidence of any programme to achieve this.
- A survey (**ComRes poll for BBC Radio 5**), carried out in 2017<sup>7</sup>, found that over half of British women (53% ) and a fifth of men (20%) have been sexually harassed at work or a place of study; more than a quarter of people surveyed had experienced harassment in the form of inappropriate remarks; and nearly 1 in 7 had experienced inappropriate touching. One in 10 women who had experienced harassment said it led to them leaving their job or place of study.
- The **Sex Discrimination Law Review**<sup>8</sup>, launched in January 2018 by the Fawcett Society, found that violence against women and girls (of which sexual harassment is one aspect) is “endemic” in the UK.

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<sup>4</sup> E.g. *Munchkins restaurant vs Anor & Karmazyn & Others* [2009] UKEAT/0359/09/LA

<sup>5</sup> ‘Still just a bit of banter?’, TUC, 2016:

<https://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf>

<sup>6</sup> Sexual Harassment of Women and Girls in Public Places, Women and Equalities Committee, 2018:

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/sexual-harassment-public-places-report-published-17-19/>

<sup>7</sup> BBC news, October 2017: <https://www.bbc.co.uk/news/uk-41741615>

<sup>8</sup> Fawcett Society: <https://www.fawcettsociety.org.uk/news/legal-system-failing-women-need-reform-says-fawcett-landmark-sex-discrimination-law-review>

- **EIS members** have identified misogynistic attitudes (which often underpin sexual harassment) as a key issue of concern in education settings.<sup>9</sup>
- The **National Education Union (NEU)** ‘It’s Just Everywhere’<sup>10</sup> report on sexism in schools says that “sexual harassment, sexist language and gender stereotyping are commonplace in school settings, yet teachers report feeling unsupported and ill-equipped to respond”; and reports that over a third (37%) of female students at mixed-sex schools have personally experienced sexual harassment while at school, and that almost one in three (32%) teachers in mixed-sex secondary schools witness sexual harassment in their school on at least a weekly basis.
- **Plan International UK**<sup>11</sup> conducted research in 2018 which found that more than one in three girls in the UK had received unwanted sexual attention, e.g. being groped, stared at, catcalled or wolf-whistled in public when wearing school uniform, and two thirds of girls said they had experienced unwanted sexual attention in public. Their report said girls as young as eight years old described witnessing or experiencing harassment.
- **Girlguiding Scotland** research found that a fifth of girls and young women in Scotland aged 13-25 (21%) experience sexual harassment at school, college or university; girls also commonly experience this on public transport (19%); on social media (27%); whilst playing sports and exercising (10%); and when they are out in their community (33%).<sup>12</sup>
- **Young Women Lead**, a project of the voluntary organisation YWCA Scotland, presented a report on sexual harassment to the Scottish Parliament<sup>13</sup> and in an evidence session there<sup>14</sup> said it had been chosen because “it was an issue that had impacted on everyone who was present [when the topic was being planned]; it was part of our experience not just in school, but beyond—when we went to university or into careers” and that “the harassment can range from something as simple as the ping of a bra strap, which can impact on a girl by making her feel shy or that she needs to hide herself, to the unconscious bias that comes through in preferences in classrooms, and straight through to sexual assault.” Their focus groups found that 91% of participants considered sexual harassment or gender based bullying to be a problem at their school, but only half said there was a teacher they could trust to tell.

**Clearly sexual harassment is a serious problem affecting educational communities across Scotland which needs to be addressed if people are to feel safe and respected as they work and learn.**

<sup>9</sup> Get it Right for Girls: <https://www.eis.org.uk/policy-and-publications/get-right-girls>

<sup>10</sup> ‘It’s Just Everywhere’, 2018: <https://neu.org.uk/sexism-in-schools>

<sup>11</sup> <https://plan-uk.org/act-for-girls/street-harassment>

<sup>12</sup> Girls in Scotland study, 2018: <https://www.girlguidingscotland.org.uk/wp-content/uploads/2018/11/Girls-in-Scotland-survey-2018-compressed.pdf>

<sup>13</sup> Young Women Lead report: <http://www.ywscotland.org/wp-content/uploads/2018/06/YWL-Report-FINAL.pdf>

<sup>14</sup> Official Report of Equality and Human Rights Committee evidence session, 13 Dec 2018:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11849>



## The effects of sexual harassment

Sexual harassment can make the people who experience it feel shocked, ashamed, embarrassed, upset, scared and violated.

Many girls and women go to great lengths to try to avoid harassment, effectively 'self-policing' by taking measures such as avoiding public transport, changing the routes they use to walk to work or school, or dressing differently. Plan UK's research found that girls were self-limiting in myriad ways to try to avoid sexual harassment. Many girls had, for example, crossed the road to avoid someone, taken a longer route to avoid a danger spot, changed what they were wearing, or stopped going out at night.

The YWCA Young Women Lead project reported in evidence to the Scottish Parliament their view that *"after they have experienced sexual harassment, many girls try to make themselves smaller or are scared to take up too much space. They also try to be quiet in school and to engage in as many activities as possible outside school. There is definitely an impact not only on their day-to-day lives, but on their performance at school and their relationships with their families and friends"* and *"it is not just instances of sexual assault that impact on girls' lives; things such as bra straps or skirts being pulled...have a huge impact on girls' performance in school, too."*<sup>15</sup>

Sexual harassment can also affect girls' subject choices (if they deliberately opt out of certain male-dominated subjects or seek to avoid certain classes or departments); their later career choices (it can be a barrier to women entering or sustaining careers in male-dominated sectors such as construction); their participation in after-school activities and clubs (if they, for example, wish to avoid walking or getting the bus home alone); their mental health and wellbeing; and their access to social networks and educational resources (if they self-limit mobile phone use, for example, to avoid harassment in that medium). The consequences can be life-long.

Unhelpful messages about e.g. changing their uniform or appearance, given to girls in some settings, can perpetuate myths about who is responsible for sexual harassment. The responsibility for stopping sexual harassment lies with those who perpetrate it, and who freely choose to create these negative effects in their targets.

## Legal context

The Equality Act 2010 prohibits harassment "related to" a protected characteristic such as sex (being a man or a woman), but it also specially outlaws sexual harassment (at S26(2)). It makes two types of sexual harassment unlawful. These are:

1. **Unwanted conduct of a sexual nature** perpetrated on a particular person, with the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading or offensive environment; for example a person making unwelcome sexual advances to a colleague.
2. **Less favourable treatment** based on a person's rejection of or submission to advances of a sexual nature; for example, a woman being rejected for promotion by her manager after turning down his sexual advances.

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<sup>15</sup> P4, Official Report, Equalities and Human Rights Committee, 13 Dec 2018:  
<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11849&mode=pdf>

Employers can be held liable for sexual harassment that occurred in the workplace unless they can show that they took all reasonable steps to prevent it, for example if they had set up robust procedures for dealing with complaints and had trained staff on their policy and approach.

Sometimes, a person accused of harassment retaliates by further harassing the person who lodged the complaint, or an employer treats the complainant unfairly because they are perceived as being “difficult” or “uptight”. If a worker is victimised for complaining, or if a colleague or union rep is victimised for helping someone to make a complaint, this may constitute unlawful victimisation under the Equality Act 2010.

Sexual harassment that occurs in a public place can breach the Protection from Harassment Act 1997, which makes it an offence to cause "alarm or distress" or put people "in fear of violence". Legislation on stalking is also relevant. The Criminal Justice and Licensing (Scotland) Act 2010 includes an offence of stalking, where a person engages in a course of conduct, with the intention of causing a person to suffer fear or alarm, which causes them to suffer fear or alarm. Detailed legal advice on sexual harassment is available from various sources; see ‘Further reading’ section on page 14.

### **Professional standards and values**

School teachers in Scotland are bound by the General Teaching Council for Scotland (GTCS) Professional Standards, which are rooted in the Professional Values. Over a teaching career a teacher is expected to demonstrate the values in their everyday teaching; consider how their values can be embedded in their professional actions; and explore ways of deepening their values throughout their career. Both the standards and the values should act as a bulwark against any type of discriminatory behaviour, including sexual harassment, and as a catalyst for teaching which actively explores issues of equality, dignity and respect.

The most relevant values in terms of tackling sexual harassment are those linked to Social Justice and Trust and Respect, including:

- embracing locally and globally the educational and social values of sustainability, equality and justice and recognising the rights and responsibilities of future as well as current generations
- committing to the principles of democracy and social justice through fair, transparent, inclusive and sustainable policies and practices in relation to...gender and gender identity<sup>16</sup>
- demonstrating a commitment to engaging learners in real world issues to enhance learning experiences and outcomes, and to encourage learning our way to a better future
- acting and behaving in ways that develop a culture of trust and respect through, for example, being trusting and respectful of others within the school, and with all those involved in influencing the lives of learners in and beyond the learning community
- providing and ensuring a safe and secure environment for all learners within a caring and compassionate ethos and with an understanding of wellbeing.

Lecturers and other associated professionals working in educational settings will have other standards and policies by which they can be guided, including workplace policies on e.g. Dignity at Work or Equal Opportunities.

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<sup>16</sup> This standard applies to a wide range of protected characteristics.

## **The role of unions: supporting people and changing cultures**

Unions have a critical role in ensuring that workers can do their jobs free from harassment. A union rep may be the first person someone tells about being harassed. Union reps should be well versed in discrimination law in relation to sexual harassment; they should be sympathetic and supportive when taking a complaint; and they should advise complainants to keep a record of any incidents, including details of witnesses. Union reps also need to be clear on how to deal with cases of sexual harassment where both the perpetrator and the victim are union members.

Unions also have an important role to play in changing workplace cultures, and for teaching unions, changing the culture within learning environments. To eradicate sexual harassment, workplaces (including schools, colleges and universities) need to work towards a permanent shift in attitudes and a culture of equality and respect. Unions members can actively promote the changes needed, and can take actions to get sexual harassment onto the agenda, e.g. by carrying out a confidential member survey to identify the extent of the problem. Other steps that unions can take to change workplace cultures include:

- co-producing anti-harassment policies with the employer
- publicising anti-harassment policies
- running a (carefully designed) sexual harassment awareness raising campaign
- organising meetings on the issue
- ensuring awareness is incorporated in appropriate training
- using a health and safety risk assessment approach to tackle harassment
- encouraging members to keep written records of all harassment and bullying incidents
- informing employers in writing that incidents are occurring (this must be done in a general way if a member has raised the issue in confidence)
- ensuring all Local Association/Branch representatives have been trained in dealing with harassment and bullying cases.

The EIS believes that all employers should:

- raise awareness of the prevalence and unacceptability of sexual harassment
- raise awareness of what constitutes sexual harassment and that it is unlawful
- operate a zero tolerance policy for any form of sexual harassment
- create robust systems for reporting sexual harassment, including systems which capture where the complainant has more than one protected characteristic
- treat all complaints of sexual harassment seriously, with respect and in confidence
- promptly investigate all allegations of sexual harassment
- take disciplinary action against any person found to have sexually harassed another
- ensure that no one is victimised for making a complaint of sexual harassment
- develop and widely publicise a comprehensive sexual harassment policy, and offer professional learning on its contents
- work towards a positive, respectful culture in which equality is the norm and harassment is not enabled.

The EIS believes that all schools, colleges and universities should:

- raise awareness of the prevalence and unacceptability of sexual harassment
- raise awareness of what constitutes sexual harassment and that it is unlawful
- operate a zero tolerance policy for any form of sexual harassment

- operate robust systems for reporting sexual harassment, including systems which capture where the complainant has more than one protected characteristic
- treat all complaints of sexual harassment seriously, with respect and in confidence
- promptly investigate all allegations of sexual harassment
- take appropriate action against any person found to have sexually harassed another
- work towards a positive, respectful culture in which equality is the norm and harassment is not enabled
- support children and young people to make positive use of social media tools and increase their awareness of the potential benefit, risks and harms of new technologies
- develop a sexual harassment policy, which should draw on best practice (see e.g. the LRD guide, section 34), but also reference relevant educational imperatives, including GIRFEC, the GTCS Professional Standards and the GTCS Code of Professionalism and Conduct (COPAC).

### **Initiatives to tackle sexual harassment**

Scottish Government, local councils and various civic society organisations are taking forward multiple initiatives to tackle sexual harassment and to spread good practice. These will vary over time, but at the time of writing some examples include:

- Close the Gap’s Equally Safe at Work project<sup>17</sup>;
- the Equally Safe in Colleges and Universities workstream<sup>18</sup> sitting beneath the overarching Scottish Government and COSLA ‘Equally Safe’ strategy for preventing violence against women and girls<sup>19</sup>;
- STUC training for union reps on identifying and responding to sexual harassment in the workplace;
- Work by the ‘Better than Zero’ campaign youth committee to develop a workplace charter on sexual harassment;
- an ongoing review of Personal and Social Education provision, which will inform young people’s learning about issues related to sexual harassment, such as sexual consent and sex and gender stereotypes; likewise, new Relationships, Sexual Health and Parenthood (RHSP) guidance is expected in 2019.

The UK Government announced in December 2018 plans to tackle sexual harassment at work<sup>20</sup>, including the introduction of a new Code of Practice so that employers better understand their legal responsibilities to protect their staff; awareness raising work with the Advisory, Conciliation and Arbitration Service (ACAS), the Equality and Human Rights Commission and employers; and consultation on non-disclosure agreements, third party harassment, and the evidence base for introducing a new legal duty on employers to prevent sexual harassment in the workplace.

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<sup>17</sup> <https://www.closesthegap.org.uk/news/blog/equally-safe-at-work/>

<sup>18</sup> <https://www.gov.scot/groups/equally-safe-in-further-and-higher-education-working-group/>

<sup>19</sup> <https://www.gov.scot/policies/violence-against-women-and-girls/equally-safe-strategy/>

<sup>20</sup> <https://www.gov.uk/government/news/government-announces-new-code-of-practice-to-tackle-sexual-harassment-at-work>

## Advice

### **(a) for EIS members**

- Make yourself aware of what sexual harassment is and what it is not.
- In schools, record incidents of sexist bullying and use the data to inform your approach; this is very important and must be done consistently to ensure that schools have robust data on levels of harassment, including where more than one protected characteristic is involved.
- Engage in professional learning on sex and gender equality when possible.
- Familiarise yourself with school/college/university, authority and EIS policies and procedures for tackling harassment and discrimination.
- Take every opportunity to challenge discrimination, sexism, and stereotypes, embedding this across the curriculum in schools and throughout courses in FE/HE.
- Hold class/tutor group discussions as necessary, especially when the issue is predominant in the media, so that learners can voice their feelings in a controlled and secure atmosphere.
- Provide opportunities, where possible, for individual learners to receive support on a one-to-one basis, as needed.
- Consult with other relevant advice such as the EIS 'Get it Right for Girls' publication.

### **(b) for members in school leadership posts**

- Take a lead on embedding equality and respect for all across the school.
- Engage in and also seek to provide professional learning on equality matters and specifically on tackling sexual harassment and sexism.
- Seek opportunities to work with relevant outside agencies e.g. for guest assemblies, talks etc. on the topic of sexual harassment.
- Use data on recorded incidents of sexist bullying to plan your approach.

### **(c) for school reps**

- Make yourself aware of the contents of this advice and be proactive about considering what issues might arise, so as to be ready to support members if approached.
- Disseminate this advice among members.
- Offer support to any members who have experienced sexual harassment, seeking support from full-time union officials where needed.
- Make arrangements for members accused of sexual harassment to be appropriately represented, ensuring that different parties represent complainants and those accused.<sup>21</sup>
- Hold a Branch meeting to discuss the implications of this advice and any appropriate action that the branch may wish to take.
- Discuss with school management the effectiveness of current anti-sexism approaches and what is known about the prevalence of sexual harassment in the establishment.

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<sup>21</sup> Specific advice about representing an alleged harasser can be found at p44 of the LRD advice listed in the further reading section.

- Ensure that the school leadership team has effective mechanisms in place for reporting, monitoring and responding effectively to incidents of sex discrimination.
- Encourage the provision of relevant professional learning for staff.
- Seek opportunities to learn more about the legal protections offered by the Equality Act 2010.

**(d) for FE/HE Branch reps**

- Make yourself aware of the contents of this advice and be proactive about considering what issues might arise, so as to be ready to support members if approached.
- Disseminate this advice among members.
- Offer support to any members who have experienced sexual harassment.
- Seek opportunities to learn more about the legal protections offered by the Equality Act 2010.
- Work with your local Equality Reps to identify ways in which you can contribute to challenging sexual harassment in your college/university.
- Hold a Branch meeting to discuss the implications of this advice and any appropriate action that the Branch may wish to take.
- Discuss with the college/university management the effectiveness of current approaches to highlighting and addressing sexual harassment, and how the approach fits with the college/university policy on preventing gender-based violence.
- Encourage the provision of relevant professional learning for staff.
- Make use of 'Equally Safe' resources e.g. the Equally Safe in Higher Education toolkit<sup>22</sup> and the FE Toolkit once available.

**(e) for Local Association/Branch Secretaries**

- Raise issues arising from this advice at LNCTs or other local negotiating fora.
- Encourage the local authority to maintain updated policies on equality and specifically on sexual harassment.
- Encourage the provision of relevant professional learning for staff.
- Ask the local authority how it will use recorded sexist bullying incidents data to shape its approach, and how it will ensure that teaching staff are supported with time and training in using recording systems.
- Ask the authority about its plans to promote equality and prevent discrimination, as per the Public Sector Equality Duty.
- Work with your local Equality Reps to identify ways in which you can contribute to challenging sexual harassment and sexism in your school.

**(f) for Equality Reps**

- Share knowledge of relevant professional learning opportunities with Learning Reps and work with them to organise equality related professional learning for members.
- Consider opportunities to challenge sexism in your setting and beyond.

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<sup>22</sup> The ESHE Toolkit is available at:

<https://www.strath.ac.uk/humanities/schoolsocialworksocialpolicy/equallysafeinhighereducation/eshetoolkit/> and the FE Toolkit is in development at the time of writing.



### **Further reading and advice**

Tackling sexual harassment at work: A guide for union reps. Labour Research Department, February 2018

<http://bit.ly/LRD-sh-guide>

Equality and Human Rights Commission advice on sexual harassment at work

<https://www.equalityhumanrights.com/en/sexual-harassment-workplace>

'Still just a bit of banter?', TUC report, 2016

<https://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf>

Protection from Sexual Harassment: Your Rights at Work, TUC booklet, Feb 2018

<https://www.tuc.org.uk/research-analysis/reports/national/protection-sexual-harassment>

Tackling sexual harassment in the workplace: A TUC guide for trade union activists

<https://www.tuc.org.uk/sites/default/files/sexualharassmentrepsguide.pdf>

ACAS advice on sexual harassment

<http://www.acas.org.uk/index.aspx?articleid=6078>

EIS gender equality resources

<https://www.eis.org.uk/equality/gender>

EIS advice on tackling misogynistic attitudes - 'Get it Right for Girls'

<https://www.eis.org.uk/policy-and-publications/get-right-girls>

Equally Safe in Higher Education Toolkit

<https://www.strath.ac.uk/humanities/schoolofsocialworksocialpolicy/equallysafeinhighereducation/eshetoolkit/>

'Young Women Lead' Committee: Report on Sexual Harassment in Schools, 2018

<http://www.ywcscotland.org/wp-content/uploads/2018/06/YWL-Report-FINAL.pdf>

