Summary

1. Focus on Labour Exploitation (FLEX) welcomes the opportunity to contribute to the Women and Equalities Committee’s Sexual harassment in the workplace inquiry. FLEX is a UK-based charity working to end human trafficking for labour exploitation. To achieve this, FLEX works to prevent labour abuses, protect the rights of trafficked persons and promote best practice responses to human trafficking for labour exploitation by undertaking research, advocacy and by building awareness in this field.

2. In this submission FLEX draws upon its research and expertise on exploitation of women in the workplace. FLEX has conducted research on gender and labour exploitation in high-risk sectors of the UK labour market and has produced a guide to gender-aware labour market enforcement of women’s rights at work.¹ FLEX has also established a Working Group on Women Workers and Exploitation.

3. Further information on FLEX’s work and all of our research publications and policy briefings can be found on our website at www.labourexploitation.org.

Key points:

I. Sexual harassment at work must be understood and tackled as part of a broader strategy to combat labour abuse and exploitation of women in the workplace.

II. Sexual harassment is often linked with other forms of labour abuse and can put workers at greater risk of exploitation.

III. Proactive enforcement of workplace rights must form a core element of any strategy to end sexual harassment in the workplace.

Case studies: Sexual harassment in the workplace²

Case study one

J is working as a cleaner in one of the main buildings at the City of London. She was told by her manager that if she wanted to receive more hours in the rota she needed to have sex with him. She refused. J was also told several times, that if she wanted to receive a promotion she must give sexual favours to her employer.

J’s colleague got the promotion. This new supervisor is verbally harassing J and threatening her with losing her job. J’s hours have been reduced. She tried to raise a complaint to stop the bullying and unfair treatment but she only has the contact details of the two people that are causing the harassment.

² Case studies provided by the Latin American Women’s Rights Service
Case study two

C is working as a waitress in a restaurant. Since she started work there, she has experienced stress and anxiety due to inappropriate comments of a sexual nature made by the owner of the restaurant. C has tried, at different times, to talk to him about how uncomfortable those comments made her feel but the situation only got worse. The owner of the restaurant started to make comments about her body and touched her breast and bottom several times.

C confronted him and he finally stopped, but he then started to complain about C’s “lack of interest and passion” for the job. He is now threatening her with losing the job due to “poor” performance.

Inquiry questions

Who experiences sexual harassment in the workplace, who perpetrates it and what the impact is on different groups?

4. Studies have shown that women are more likely than men to experience sexual discrimination and harassment in the workplace. This data also indicates that the incidence of sexual harassment is higher among workers who are reliant on flexible working patterns, suggesting that these risks are increased where there is a significant power imbalance between the employer and the worker.

5. There is a need to address sexual harassment in the workplace not as an isolated issue but in the broader context of labour abuse and exploitation of women at work. Discrimination and harassment may be linked with other labour abuses, and are likely to make it difficult for women workers to report any labour abuses either internally or externally.

6. This approach should take into consideration:

   a) The particular types of employment relationships and forms of labour abuse that might contribute to women’s risk of harassment in the workplace;
   b) The ways in which sexual harassment might in turn put women workers at risk of other forms of labour abuse; and
   c) The ways in which abuses including sexual harassment can cause women workers to feel disempowered in relation to their employers and thereby make it harder to complain or challenge abuse.

7. Women who face sexual harassment at work experience particular barriers to reporting what has happened to them and raising complaints. Women who have suffered workplace abuse, particularly of a sexual nature, may face a culture of disbelief, bullying or intimidation from employers or fellow staff. In such cases women, and particularly migrant women, often feel that they won’t be believed by authorities, and may be reluctant to report abuse to male colleagues in a position of authority.

8. FLEX’s Working Group on Women Workers and Exploitation has identified four high-risk labour sectors for labour abuse and exploitation of women workers, cleaning, care, hospitality and domestic work, in which sexual harassment and gender-based violence are particularly prevalent. Other studies have also found that women experience high levels of sexual discrimination and harassment in the hospitality and domestic work sectors.\(^4\),\(^5\)

9. Recent research by the TUC found that more than half of women workers surveyed had experienced some form of sexual harassment, and more than one in ten had experienced unwanted sexual contact.\(^6\) Women in the hospitality sector were significantly more likely to have experienced sexual harassment, with 67% of women surveyed reporting some form of sexual harassment from colleagues, managers, customers and hotel guests. Domestic workers have also reported sexual harassment and sexual abuse, that is heightened by the extreme dependency and isolation that many domestic workers experience.\(^7\)

10. In cleaning, hospitality, care and domestic work, expectations that women should be friendly, compliant, and subservient makes it difficult for women workers to complain and they may be made to feel that sexual harassment is ‘part of the job’.\(^8\) Case studies (see above) also show that when women do take action to challenge sexual harassment, this can lead to reduction of work or threats of dismissal. Shame and fear associated with sexual harassment and assault is a strong barrier to women reporting such abuse, and may also deter them from reporting other forms of labour abuse.

**What actions should the Government and employers be taking to change workplace culture to prevent sexual harassment, give people more confidence to report sexual harassment, and make this issue a higher priority for employers?**

11. The protection and enforcement of women’s rights at work is critical to preventing workplace abuse of women workers, including sexual harassment. Gender-based violence and harassment is of key relevance to all labour market enforcement bodies, because the presence of violence and harassment is not only a serious abuse in itself but also often deters women from reporting other forms of labour abuse.

12. However, the UK currently has one of the poorest resourced labour inspectorates in Europe and falls far below the International Labour Organization’s recommended target of one labour inspector per 10,000 workers.\(^9\) According to a recent joint report from the Work


and Pensions and the Business, Energy and Industrial Strategy Parliamentary Select Committees the average business can expect an inspection of their labour practices once every 500 years. Furthermore, enforcement activity is predominantly reactive, relying on complaints from workers themselves. This excludes the most at-risk workers, those who are afraid or unable to raise complaints. Taking into account the significant barriers women who suffer sexual harassment and abuse at work face to reporting, this creates a culture of impunity for unscrupulous employers who know they can get away with harassment unchallenged.

13. Furthermore, women working in the UK who are undocumented are particularly at risk of sexual harassment and discrimination and exploitation because there are so few channels by which they might report abuse or exploitation. In only limited circumstances can undocumented workers pursue cases through Employment Tribunals on the grounds of discrimination and ACAS offers limited support to undocumented workers. Above all the Government’s hostile environment policies has a chilling effect on workers seeking help and identification when suffering sexual harassment and discrimination as evidenced by workers entering into contact with members of FLEX’s Labour Exploitation Advisory Group. Many workers are fearful that if they come forward for help in cases of harassment they will be referred to immigration enforcement and some unscrupulous employers use this threat as a means of coercing women into situations of abuse and exploitation. The Home Affairs Select Committee recently raised concerns that the government has not made any assessment of the impact and effectiveness of the hostile environment. Given the evidence from the Labour Exploitation Advisory Group and others that this policy is preventing women from reporting abuses committed against them, it is clear that an assessment is needed of the effect of hostile environment as a barrier to women reporting cases of sexual harassment.

14. To combat sexual harassment in the workplace more targeted, proactive and gender-aware enforcement is essential. This must be accessible to all and effective at reaching out to the most at-risk workers. Proactive enforcement would not only serve as a strong deterrent, making the issue a higher priority for employers, but also increase confidence in reporting sexual harassment.

15. FLEX has produced a practical guide, *Women in the workplace: FLEX’s five-point plan to combat exploitation*, that aims to support labour inspectorates to build a more gender-aware response to detecting and tackling labour abuses against women in the workplace, including sexual harassment. In this guide FLEX recommends that enforcement agencies should:

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a) Appoint a lead officer within each agency to oversee the organisational response to feminised labour sectors and to tackle gender-related abuse and exploitation.

b) Conduct research and evidence-gathering to build a full picture of risk of abuse and exploitation in female-dominated sectors.

c) Engage with NGOs and support organisations that are already working with and trusted by workers in feminised sectors.

d) Establish a joint working group on labour market enforcement in feminised labour sectors with members from each of the labour market enforcement bodies and other organisations.

e) Develop and implement a gender policy and training programme that provides guidance on identifying gender-related abuse and gender sensitivity in the monitoring and enforcement of labour rights.

f) Make proactive inspection a core element of enforcement strategy in feminised sectors.

Case studies: enforcement approaches to detecting and preventing sexual harassment in the workplace

Case study: Finland

In addition to occupational safety and health (OSH) and labour market enforcement, the Finnish Occupational Safety and Health Administrator (OSHA) conducts inspections on equality and discrimination in the workplace; sexual harassment; and violence in the workplace. Guidance on these issues for labour inspectors, employers and workers is available on the OSHA website, with the purpose of providing clarity and transparency on the role and methods of OSHA, both for its inspectors and for its clients.13

Case study: El Salvador

In El Salvador, the Ministry of Labour and Social Security has developed a training module for labour inspectors on discrimination and sexual harassment at work. Labour inspectors conduct preventive inspections to identify all types of violence against women, including harassment, sexual harassment, violence and ill-treatment.14
