Written submission from Unite the Union (SHW0035)

Introduction

*Unite is the UK’s largest trade union with over 1.4 million members across all sectors of the economy including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union. We have extensive experience of representing women workers in a wide range of occupations who are faced with harassment, discrimination and bullying.*

Unite welcomes the Women and Equalities Committee’s inquiry. We believe it is vital for the government to act to put in measures in preventing sexual harassment in all workplaces.

Harassment, Discrimination and Bullying cause untold misery and humiliation to thousands of workers, particularly women, black and Asian workers, disabled workers, LGBT, young and older women every year. It degrades individuals and creates a work environment of fear and intimidation. It can also be a contributing factor to other workplace issues, such as unequal pay, job insecurity, sickness absence and lack of progression.

Unite provide support, advice and representation to members who suffer sexual harassment and ensures that we have workplaces where there is zero tolerance of all forms of harassment, discrimination and bullying.

- **How widespread sexual harassment in the workplace is, and whether this has increased or decreased over time**

  1. Women are routinely experiencing sexual harassment in the workplace, in all sectors of the economy, more often in sectors where there is the absence of any job security and where there is an impact from gender. Job segregation. It is no coincidence that harassment prevails in jobs where women have little or no power. Until we have a positive framework of employment legislation and trade union rights to safeguard dignity at work then we will continue with a culture of bullying and harassment.

    Sexual harassment interferes with women’s ability to maintain economic stability and women who are economically more stable are better protected against the risks.

    Recent revelations of sexual harassment in parliament and the charity sector are only the tip of the iceberg however, it has brought this form of sexual abuse to the fore. It is widely recognised that there is a
culture of bullying, harassment and poor employment practices, often allied to abuses of power. This leads to issues around staff retention

2. Attacks on women’s livelihood following many years of austerity measures has undermined women’s value and it is not a surprise that we have witnessed more abuse of women in the workplace and the wider society.

3. The government’s damaging agenda of cuts and political interference in the enforcement authorities such as the EHRC, HSE, Charity Commission Over the last few years has reduced their powers to investigate, effectively regulate and enforce the law and good practice. Government should sufficiently fund all enforcement in order for them to provide support, advice and safeguards for workers and employers to prevent harassment and bullying in the first place.

4. One of the main problems is under-reporting of harassment. Many of our members say that sexual harassment is difficult to report and is increasing.

5. Hate crime is on the rise and the government should re-educate its citizens regarding sexual and racial abuse which has risen to an alarming level since the EU Referendum. This needs to be challenged and changed. Hate crime via the Internet continues to rise with little effective interception or prosecution by providers. The advances and the expertise in the sphere of IT in the world of work and communications must be used to change this situation.

Unite has been involved in global campaigns against sexual harassment and violence against women including at the ILO. Our longstanding involvement in representing women transport workers facing sexual harassment both as bus and lorry drivers where they are under-represented and as cabin crew where their role as safety professionals is undervalued and often unrecognised. As part of our global campaigning, we have recently signed a pledge with IndustriALL, the global union representing workers in manufacturing, energy and mining sectors, a dignity at work policy at the European Transport federation and a joint commitment with the food and home/consumer products manufacturer Unilever, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association and IndustriAll on preventing sexual harassment at the workplace.

Unite works with employers to negotiate Dignity at work policies with a positive approach to conducting workplace relationships, based on an organisational commitment to restrict all forms of unacceptable behaviour, including bullying and harassment, and to treat all employees with respect. By adopting a strategic Zero Tolerance approach to inappropriate behaviour and encouraging dignity at work, companies need to adopt a clear set of values that deal swiftly and effectively with bullying, harassment or any other form of unwanted behaviour and to reduce the number of incidents that occur.
Central to the zero tolerance approach is recognition by the company from the Chief executive through to all managers and customers to give confidence to employees that harassment will not be tolerated; that complaints will be dealt with confidentially and swiftly, that inappropriate behaviour is a disciplinary offence, and that they have a positive strategy which is resourced and integrated in to the day to day operation of the business.

Unite has been representing and supporting members experiencing harassment, discrimination and bullying. Our representatives work tirelessly to negotiate agreements and policies to prevent discrimination and establish best practice. The following are some good and bad practice examples.

Unite has been representing and supporting members experiencing sexual harassment. Our union equality reps have been ensuring equality in workplaces across various sectors. They work with employers to prevent sexual harassment and to establish best practice. They can and do resolve problems at the sharp end. Statutory rights for Union equality reps will ensure prevention and therefore avoiding legal cases. Unite has been calling for statutory rights for union equality reps for many years. Government should show its commitment and respond positively to these demands.

GOOD PRACTICE EXAMPLES

We have negotiated agreements with many companies to prevent and tackle harassment, discrimination, bullying for example, at Sainsbury, IMI and NHS.

Retail – A member who is a shop worker was sexually harassed by her team leader. He made lewd comments to her. He was consequently disciplined and the employer suggested moving her to a different department which is not what she wanted. With union intervention the perpetrator was moved.

Sexual harassment issues in City of London - Unite was involved in a number of sexual harassment cases. Cases include inappropriate advances and behaviour towards a junior colleague where recommendations included a final written warning and Dignity at Work training. In another case the individual was dismissed for inappropriate behaviours.

Cleaners in the City - Women cleaners are the hidden workforce in major financial institutions in the City. They are mainly migrant workers and have been organised into Unite. Unite’s Justice for Cleaners campaign has been successful in negotiating and tackling low wages, lack of sick pay and holidays, health and safety, bullying and harassment, housing, transport, immigration issues and unfair deductions from pay.

BAD PRACTICE EXAMPLES

Transport, aviation - High level of reported harassment from colleagues, airport staff and passengers including criminal cases that may not have been pursued. These include sexually explicit comments, attempts to kiss or grope,
blatant sexual innuendo, pinching, squeezing, overly tactile behaviour, telephone numbers being forced into staff hand with passengers hotel and telephone details, offers to take them out, knocking on the door of hotel rooms or waiting outside room, sexual assault, asked about sexual activity and preferences, exposing themselves, aggressively pursued for sex, intimidation over an assessment if did not comply with request for sex, graphic sexual comments, smutty photos from magazines, questions of a sexual nature, notes under hotel doors.

Sexual harassment issues in City of London - Unite was involved in a number of sexual harassment cases. In an example, members who worked in the City of London as traders left the organisation under the terms of a compromise agreement citing a culture of unfair treatment and sex discrimination, including sexual harassment and a lack of promotion opportunities.

Endemic in call centres – Managers and team leaders sexually harassing women members.

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

No woman in any sector is immune from sexual harassment. Women of all ages, race and ethnicity, disability, sexual orientation and gender identity experience sexual harassment and sometimes more because of their identity.

The perpetrators are colleagues, managers, customers and clients. The more women are put in a vulnerable position the more they will face harassment and the less likelihood of reporting.

As we said above, under reporting of harassment is a major issue. The following are only some examples of sexual harassment faced by our members in a range of industries.

Finance

A woman member was receiving, counselling and support, linked to her mental health at the time.

The counselling was given by both the company and her own doctor at the time, linked to the company support frame.

This member approached the rep as she was getting unwanted attention from the counsellor/support worker. She was receiving sexually explicit emails and late night texts from him. He also called and would pop in sometimes unannounced for a coffee and chat. This behaviour was really upsetting our member.
With the members consent, the rep showed the offending messages to the HR director. The HR director was disgusted with the fact that this was meant to be a trusted counsellor whom people could confide in for help and support.

Consequently, the company contacted the support group senior manager, the man involved admitted the offending texts and visit, and was dismissed from their company and will no longer find work as a support worker within our area at least.

This case was dealt with promptly and effectively since we have agreed a Bullying and Harassment policy including zero tolerance to sexual harassment with the company.

**Hospitality**

Many of our members working in the hospitality sector have to put up with harassment and bullying from co-workers or customers.

Unite recently carried out a survey, #NotOnTheMenu, of women who work in the hospitality sector. Those responded said that the harassment comes from colleagues, managers and customers. The survey revealed that:

- 93% of women who responded said they had experienced sexual harassment.
- 86% said they had experienced unwelcome and inappropriate touching, hugging or kissing.
- Over half of women feel pressurised to tolerate harassment because of tips.
- 60% said that their employer does not take harassment seriously and that they are not confident that their employer would support them if they made a complaint.

The survey further revealed that of those surveyed:

- 84.7% had witnessed sexual harassment of other people.
- 77% did not know if their workplace had an anti-sexual harassment policy in place.
- 60% were unsure or lacked faith in their management to deal with a complaint of sexual harassment.

**Retail**

A team leader sexually harassed a member who is a shop worker. He made lewd comments to her. He was consequently disciplined and the employer suggested moving her to a different department which is not what she wanted. With union intervention the perpetrator was moved.

**City of London**
Sexual harassment issues in City of London - Unite was involved in a number of sexual harassment cases. Cases included inappropriate advances and behaviour towards a junior colleague where recommendations included a final written warning and Dignity at Work training. In another case the individual was dismissed for inappropriate behaviours.

Night shift

Many women either face or are fearful of harassment when travelling to and from work working on a night shift. Cuts in the number of services and staffing in public transport has had a major impact. Additionally, there are no safe paths home from public transport and visa versa.

We also, had cases from members where in order to cut costs, employers were ignoring workplace safety eg. no lights in the car park.

- **Actions that the Government and employers should 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**


  2. Dignity at work is a basic employment right, to some extent supported by legislation protecting employees against discrimination, harassment, victimisation and bullying. Dignity at work describes a positive approach to conducting workplace relationships, based on an organisational commitment to restrict all forms of unacceptable behaviour, including bullying and harassment, and to treat all employees with respect.

  By adopting a strategic Zero Tolerance approach to inappropriate behaviour and encouraging dignity at work, we want employers to adopt a clear set of values that deal swiftly and effectively with bullying and harassment and to prevent these incidents and actions.

  This will in turn give confidence to employees that complaints will be dealt with confidentially and swiftly, that inappropriate behaviour is a disciplinary offence and promotion of dignity at work is central to the effective operation in the workplace.

  All staff including managers must also receive mandatory training on what sexual harassment is, how to prevent and tackle incidents and procedures.

  3. Awareness raising amongst employers of the impact of sexual harassment in the workplace and encouraging the provision of appropriate support, in consultation with trade unions.
4. Sexual harassment should be part of the public policy on violence against women which requires Government to adopt an integrated plan of action that includes better inter-agency working, raising awareness of the issues, more effective legislation and policies and innovative practice.

5. Unite calls for a Dignity at Work Act to tackle bullying in the workplace.

6. Educating and raising awareness both in schools and in our wider society.

7. Putting safeguards on social media with stronger abilities to identify and prosecute abusers of such media.

8. Laws and its enforcement surrounding the use/abuse of social media, the shocking increase in on-line bullying/stalking/"trolling" need to be stricter. People also need to be educated and told what is acceptable and what is not. Internet providers/social media companies/controllers must be made to face up to their responsibilities.

9. Unite has been representing and supporting members experiencing harassment, discrimination and bullying. Our representatives work tirelessly to negotiate agreements and policies to prevent discrimination and establish best practice. However, the Trade Union Act has been an attack on our organisation and our reps facility time. Unite has been calling for the repeal of this Act.

10. As we know, legal rights need to be enforced. In sectors where zero hours contracts, job insecurity and a lack of access to trade union reps, workers will continue to lack confidence that if they make a complaint to their manager, that their complaint will be dealt with, and worse, they feel they will lose their job. The Government has chipped away at employment rights and we need to see the reinstatement of basic employment rights from day one, and also the right to organise collectively in trade unions, particularly in small workplaces.

Too many organisations have a culture to overuse short and fixed term contracts which contributes to insecurity, inequality and poor power dynamics. At the simplest level such insecure contracts prevent people from coming forward to report abuse as they fear that they will not have their contract renewed. Such a high turnover of staff and volunteers also make it far harder to implement background checks and sufficient safeguarding controls. Government has to ask organisations to explain clearly how they seek to address this culture and ensure that it enables precarious workers to make a complaint, without affecting their contract renewal. Oxfam is an example of one of these organisations.

11. Also, union equality reps have been ensuring equality in workplaces across various sectors. Unite has been and will continue to call for statutory rights for union equality reps.
12. We are concerned about the gaps in stalking legislation. All too often victims are not believed or taken seriously. Often, the one place where stalkers can find women is the workplace and this is a key issue for women at work.

Stalkers should as a routine be assessed and have access to mental health services once they come into contact with the criminal justice system. Without an effective intervention the stalking will continue.

There are barriers in access to justice, legal aid and there are also issues around cross-examination of witnesses where the woman’s wishes are not followed. All these should be addressed.

13. The government should support the adoption of an ILO Convention and Recommendation on gender-based violence at work. This is currently under discussion at the ILO.

- How workers can be better protected from sexual harassment by clients, customers and other third parties

We are again calling for the reinstatement of section 40(2)-(4) of the Equality Act 2010. The harassment of people at work by a third party such as customers, clients and contractors can be deeply distressing, harmful and dangerous. Unite is of the view that all parties should welcome such provision to ensure that it is both unlawful and can be addressed.

Our aim in all matters of harassment and discrimination is that prevention should be our goal, and these measures assist in this process, ensuring employers take positive steps to provide a safe environment for their employees as well as their customers or clients.

However, we were and still are extremely concerned and opposed to the ‘three strikes’ element of this provision. Unite will continue to raise with government the issue of the removal of this element since harassment is harassment whether is the first time or the second or the third time.

We believe the government should take this opportunity to provide better protection for employees by removing the ‘three strikes’ element instead of providing them with no defence or protection from harassment by third parties.

- The effectiveness and accessibility of tribunals and other legal means of redress and what can be done to improve those processes

The government should reinstate the employment tribunals’ power to make wider recommendations in discrimination cases; and the questionnaire procedure, which encouraged employers to take issues of discrimination and harassment more seriously often resolving them without the need to proceed
to lengthy and costly tribunals. Both these measures can help avoid future harassment cases.

- **The advantages and disadvantages of using non-disclosure agreements in sexual harassment cases, including how inappropriate use of such agreements might be tackled**

  In representing women who face sexual harassment, Unite is clear that confidentiality can play a critical part in encouraging or deterring women to come forward in the first place. There are however, a number of complex issues with disclosure due to legal reasons however, we might be able to provide some information if it is helpful.

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