The IoD welcomes the opportunity to participate to this call for evidence on sexual harassment in the workplace, an issue which is of very high importance. Sexual harassment in any form is illegal, however we still hear of too many cases of individuals being exposed to it. While the statistics are striking\(^1\), a large number of incidents remain unreported, making it difficult to measure the exact scope of the problem. The Government and employers need to work together to protect those affected, encourage cases to be reported and take steps to change the working culture in which too many occurrences of harassment remain unchallenged.

**About the IoD**

The IoD was founded in 1903 and obtained a Royal Charter in 1906. It is an independent, non-party political organisation of approximately 33,000 individual members. Its aim is to serve, support, represent and set standards for directors to enable them to fulfil their leadership responsibilities in creating wealth for the benefit of business and society as a whole. The membership is drawn from right across the business spectrum. 49% of FTSE 100 companies and 45% of FTSE 350 companies have IoD members on their boards, but the majority of members, some 70%, comprise directors of small and medium-sized enterprises (SMEs), ranging from long-established businesses to start-up companies. IoD members’ organisations are entrepreneurial and growth-orientated, and more than half (61%) export goods and services internationally.

**Employers’ responsibilities**

Business leaders tend to recognise the importance of creating a workplace environment in which individuals feel safe and included. A company’s best asset is its people – it is therefore in employers’ interest to have a happy and productive workforce.

Although companies are currently not required to maintain a distinct policy on sexual harassment, every business should have an official policy in place to deal with sexual harassment and other forms of bullying. Nevertheless, a document alone is not enough. Employers need to be truly committed to tackling the issue and treat every allegation seriously in order for this problem to be tackled effectively.

Managers can often be the first point of contact for employees who have been exposed to sexual harassment in the workplace. Ensuring managers are prepared and have the tools to respond to sexual harassment allegations from staff is therefore crucial. While larger companies may rightly offer management training on this issue, the Government needs to ensure accessible and clear guidance is available for smaller employers who often don’t have the necessary resources or expertise to identify the types of training needed by managers in this area.

Policies and procedures are important but creating a culture where all staff know what is considered inappropriate behaviour and that it will not be tolerated in the workplace is the best way to prevent instances of sexual harassment.

---

\(^1\) [http://www.bbc.co.uk/news/uk-41741615](http://www.bbc.co.uk/news/uk-41741615)
Employers must commit to creating a working culture in which any form of harassment is not tolerated and members of staff feel confident raising their concerns. One step towards achieving this would be ensuring that a firm’s policy on harassment guarantees that all allegations will be appropriately investigated – this would help to reassure employees that their experiences are taken seriously and encourage others to step forward who may otherwise have stayed quiet.

Where possible, employers should also facilitate anonymised disclosures in order to give victims who may feel more vulnerable the confidence to speak up or to be spoken up for should a third-party feel more confident about raising a complaint. In addition, it is important that the company’s policy on harassment is clear, straightforward and easily accessible by members of staff. Employees should be made aware of their rights and responsibilities as part of the induction when starting a job and policies should be recirculated to members of staff when updated.

Failing to acknowledge a sexual harassment claim can create several problems for a company – it may result in the firm being taken before an employment tribunal, loss of talent or greater harm to employees if no action is taken. It could also lower staff morale and consequently reduce productivity within the firm. Therefore, while safeguarding the wellbeing of workers should be the primary driver for an employer, it is also clear that allowing harassment allegations to go unaddressed can have severe consequences for the bottom line of their businesses. If word spreads that you are an employer who does not take sexual harassment seriously, or tolerates a workplace culture where it is permitted, this may also affect that firm’s reputation and recruitment and therefore, in cases of firms employing 250+ people, potentially their gender pay gap results.

The advice given to IoD members

The IoD shares information on the issue of sexual harassment in the workplace with members. We utilise and disseminate the best practice guidance provided by Acas and the Equality and Human Rights Commission (EHRC).

The IoD’s Information Advisory Service offers a range of factsheets that are available to our members, covering a range of issues including sexual harassment, discrimination, equality and diversity. The information on sexual harassment in particular outlines tools which can help companies tackle the problem. Documents available include ‘Discrimination in employment’, which outlines clear descriptions of situations which the law will treat as harassment, and an ‘Anti-harassment and bullying policy template’, equipping members with long-form and short-form template policies on harassment. A guidance document on conducting an investigation into a claim of sexual harassment is also available.

In addition, the IoD members have access to the Legal Helpline and the Directors’ Advisory Service through which practicing lawyers and HR professionals can offer advice on a specific situation or about specific points of law in regards to sexual harassment in the workplace.

Recommendations for the Government

While the responsibility for tackling the issue of sexual harassment in the workplace largely lies with employers, the Government also has a role to play. It should ensure that the guidance available through Acas and the EHRC for both employers and employees is clear and straightforward. The Government should also help promote the information and services available in order to increase
individuals’ awareness of their rights and responsibilities in the workplace, especially to cover workers whose employers may not communicate this information to them. Increasing awareness of the different forms that sexual harassment can take place would also help workers and employers identify harassment cases that need to be addressed.

Furthermore, the Government should work with businesses to encourage sexual harassment cases to be investigated in the workplace wherever possible. Acas’ Early Conciliation service is useful for individuals who feel a resolution cannot be reached with the help of mediators in the workplace – both employers and the Government should ensure that workers are aware of this service.

Employment tribunals should be the last resort in all cases and should be avoided wherever possible. The IoD has called for the simplification of the process for enforcement of employment tribunals, so that when workers are left with no other choice but to go to a tribunal, they are not faced with complex and lengthy processes. In addition, encouraging more cases of harassment to be resolved in the workplace would ensure that tribunals have more resources to deal with the most serious cases, speeding up the resolution process overall.

June 2018