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LS/EM/SS

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Ms Sarah Alban
Chief Executive
Health and Safety Executive
Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Dear Ms Alban,

Sexual Harassment at Work: A Health and Safety Issue.

On International Women's Day, our organisations write to you regarding women's health and safety at work, and the Health and Safety Executive's position on sexist and sexual harassment.

All women have the right to a safe workplace free from all forms of harassment, violence, bullying, and intimidation. That is why the STUC Women's Committee, alongside our colleagues from the TUC, Wales TUC, and Irish Trade Union Congress, are collectively campaigning to prevent and tackle sexual harassment at work.

Our collective research as trade union centres, including the STUC Women's Committee report 'Silence Is Compliance', affirms that sexual harassment at work remains endemic for women, and reports of sexual harassment at work are regularly dismissed, undermined, underplayed, and mis-handled by employers.

This has been further confirmed by findings from outside the trade union movement. Scotland's national feminist policy organisation, Engender, report 'Enough is Enough: Tackling Workplace Sexual Harassment in

Scotland' shows clearly that harassment is perpetrated, experienced and enabled within the context of women's economic, social and political inequality with men, and the unequal power dynamics that stem from this. Failure to tackle harassment also leads to detrimental impacts on targets, colleagues, job satisfaction, and staff commitment, loyalty to the employer and cements occupational segregation in the workforce.

Our organisations have clear evidence that existing reporting and investigatory mechanisms and procedures are ineffective, and widespread incidents of sexual harassment in the workplace is often unchallenged and unchecked.

Both the STUC Women's Committee, Engender and TUC research shows women across different sectors have low confidence in their employer's ability to appropriately prevent, investigate, and sanction individuals responsible for sexual harassment. Women legitimately fear being blamed for the incident, experiencing retaliation for reporting, and negative consequences for their job, career, or relationships at work.

Furthermore, our research and campaigning strongly highlight that preventing and tackling sexual harassment must be treated as a serious health and safety at work risk and issue, and stronger interventions and regulation are required.

The Health and Safety Executive (HSE) define work-related violence as: *"Any incident in which a person is abused, threatened, or assaulted in circumstances relating to their work. This can include verbal abuse or threats as well as physical attacks."*

The Health and Safety Executive (HSE) mission statement is to be: *"Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places and helping everyone lead safer and healthier lives."*

In line with the HSE's own definition of work-related violence and mission statement as the health and safety regulator – we are deeply alarmed and perplexed at the HSE's current position that HSE does not see tackling or investigating sexual harassment at work as part of its remit.

Sexual harassment at work is internationally recognised a form of violence against women. It is a complete violation of the right to feel safe at work; and no workplace will be a safe workplace for women until sexual harassment is eliminated.

The STUC, Scottish Hazards and Engender are concerned that the HSE are ignoring a concerning health and safety workplace issue by viewing and treating sexual harassment only as an equality issue. Instead, our evidence shows that it causes occupational distress and anxiety to thousands of victims and employers are rarely, if ever, held to account.

Every employer has a duty of care to protect the health, safety, and wellbeing of their employees and to assess the risk arising from their business activities and that must include workplace ill health caused by sexual harassment in the workplace.

Our view is that the HSE appear to ignore the fact that women are being made unwell by sexual harassment at work; and fail to acknowledge that sexual harassment at work remains endemic for women.

Sexual Harassment at work is illegal under the Equality Act 2010. However, sanctions are limited to involving employers to enter legally binding agreements to address issues identified. Sexual harassment is both an equality, and health and safety at work issue, and must be understood and treated as so.

The STUC Women's Committee, Hazards Scotland and Engender are seeking clarity from HSE on the following:

1. What is the rationale for HSE not viewing sexual harassment as a serious health and safety at work risk and part of their remit?
2. If it is not the role of the UK's health and safety regulator to regulate and investigate cases of sexual harassment nor the job of the Equality and Human Rights Commission – then whose is it?
3. What is the HSE position on safe home policies, ensuring women can travel to and from work safely?
4. Will the HSE review their position on sexual harassment at work, to develop a set of standards, like the existing stress management
5. standards, focussing on prevention rather than the reactive approach taken by the EHRC?

Finally, the Worker Protection (Amendment of Equality Act 2010) Bill is currently working its way through the UK Parliament, and it is our understanding that the EHRC will be producing the statutory guidance to accompany the new legislation.

Can the HSE provide us with information doing to ensure their guidance and work also emphasises prevention in line with the new employer duty and EHRC Statutory Code of Practice?

The STUC, Hazards Scotland and Engender warmly welcome a further meeting to discuss sexual harassment in the context of health and safety and look forward to hearing from you.

STUC Women's Committee

Scottish Hazards

Engender

