



NUJ briefing for members on sexual harassment

The NUJ has a zero tolerance policy on sexual harassment – in the workplace and in our union.

Sexual harassment as defined in the Equality Act 2010* is unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

It is overwhelmingly experienced by women according to a TUC 2016 report *Still Just a bit of Banter*, but, whatever form it takes and whoever it is directed at, sexual harassment is unlawful and wholly unacceptable.

The #MeToo campaign arose from allegations of sexual harassment in the entertainment world, but it is equally rife in the media and publishing industry.

The NUJ has a vital role to play in creating workplaces or work situations free from sexual harassment and that includes our own union. Training will be available for reps to help them tackle sexual harassment and ensure that members experiencing such behaviour know that their reps and the union should be their first port of call for help. New resources for reps will include online materials and toolkits, to help spearhead workplace campaigns and provide advice on negotiating robust workplace policies.

What types of behaviour could constitute sexual harassment?

- Unwanted physical contact, suggestive remarks or 'banter'.
- Propositions of a sexual nature or innuendos, unwanted comments on appearance.
- Verbal abuse of a sexual nature or relating to a person's gender.
- Leering; displaying pornographic pictures or pin-up style pictures and on-line unwanted communication of the same/similar nature.

If you are being sexually harassed, do not put up with it.

It can be easy to think the problem lies with you – it doesn't.

Do not be afraid to talk to other people. You may find that other people have suffered the same treatment.

If you feel confident enough, tell or write an email to the harasser saying that the behaviour is unwelcome and ask the individual to stop. Sometimes an early, strong response is enough to prevent the matter escalating.

Keep a note of anything that happens and a copy of letters/emails. Keep a diary, noting incidents, dates, times, witnesses.

Get help and advice from your union rep or official. If the behaviour does not stop they can help you make an official complaint.

Sometimes complaints involving sexual harassment end up at an employment tribunal. Be aware there are time limits for cases to be taken to tribunals.

Your **employer has a duty of care** and sexual harassment is covered by health and safety legislation.

If you are a rep:

- Talk to the member and make sure they understand how the issue will be handled and how the grievance procedure may have to be invoked. Make them feel confident about taking the issue further by showing your support for them.
- If you feel out of your depth, it is always important to seek advice from an NUJ organiser.
- Check whether the member has any evidence of the offending conduct and ask them to give you (if possible) detailed information of incidents including dates and times and possible witnesses.
- Appreciate how stressful it is for them to talk about such behaviour and ensure their case will be dealt with confidentially.
- If other union members are involved in the case, ensure “Chinese walls” are in place. Seek advice on this from your NUJ official if you are unsure about how to proceed.
- Inform management as soon as possible, but make sure the member agrees to this.
- Keep your documentation safe and confidential.

Negotiating a workplace policy:

It is much better to be proactive in preventing sexual harassment - make it clear that your workplace considers sexual harassment unacceptable behaviour and such behaviour will invoke a disciplinary procedure.

Every employer should have a policy on sexual harassment and a procedure for dealing with it. Even where an employer already has an equal opportunities policy or clause in its staff handbook or agreement, it is advisable that a specific clause dealing with sexual harassment is included.

While negotiating a workplace policy with the employer, make it clear that the policy will have to be communicated to all employees, trainees and job applicants and should be flagged up to new members of staff.

Make sure any policy on sexual harassment establishes a clear union involvement and the right for NUJ representation at every stage.

**Note legislation may differ in the ROI and Scotland. This briefing should not be considered legal advice.*