

## NTF Information Sheet

### What is Sexual Harassment

Sexual Harassment is defined as:

Unwanted conduct of a sexual nature which has the purpose or effect of violating an individual's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment.

'Of a sexual nature' can cover verbal, non-verbal or physical conduct including but not limited to unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, asking someone about their sex life, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

**Put very simply it is conduct where someone makes another feel humiliated, offended, or degraded because they are treated in a sexual way.**

The intention of the person doing the action does not matter, so something that one person may consider **banter could be sexual harassment to another.**

Sexual harassment can happen to people of any gender or sexual orientation. Someone may experience sexual harassment at work from a colleague, someone in a position of authority or a third party, such as a visiting contractor or a client of the business.

A couple of examples which may bring this to life:

### **Unwanted advances**

An employee is subjected to unwanted advances - her manager slapped her bottom, made sexualised comments about her sex life, clothing and appearance. When the employee complained to the employer she was told to take it as a compliment and the manager does that to all the young girls. Some colleagues who heard about the complaint said it was just normal workplace banter. The employee resigned and was awarded substantial compensation including for injury to feelings. The employer had not trained its managers on the company anti-harassment policy or explained their duty to create a workplace free of harassment and the employer failed to deal with the complaint properly.

### **Harassment on Workplace WhatsApp Group**

The business has a WhatsApp group for organising work within the team and ensuring health and safety of your lone workers, such as maintenance staff. One of the employees starts sending inappropriate jokes and pictures of a sexual nature. Some colleagues respond with smiley emojis and thumbs up. A member of the team reports the communications to a manager who finds them funny and says it is all a good laugh and helps keep the team spirit up. The person who complained is then victimised by a couple of colleagues and brings a claim of sexual harassment. Whilst this is a made up example, in a real case an employee was awarded £15,000 after she was subject to sexual harassment in a Workplace WhatsApp group and wrongly dismissed by the employer.

This information sheet forms part of guidance for NTF members being prepared in advance of the implementation of the Worker Protection (Amendment of Equality Act 2010) Bill which will strengthen existing protection for workers against sexual harassment.