



# TACKLING SEXUAL HARASSMENT IN THE WORKPLACE

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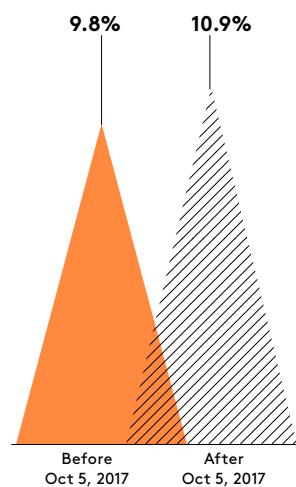
# YOU CAN'T DELEGATE ETHICS

It's up to business leaders to drive change within their organisations

**Carrie Penman**  
chief compliance officer  
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## The Impact of the #MeToo Movement

Hotline reports classified as harassment



Represents an 11% increase in the volume of harassment reports made globally since the Weinstein scandal

Source: NAVEX Global, 2018

With #MeToo shockwaves continuing to reverberate across the world, never has the issue of sexual harassment been more poignant. If it's not at the forefront of all employers' minds, it should be. We've seen that when individuals are not held accountable for their bad behaviour, trust is eroded and grievances are taken public.

The proactive prevention of harassment has clear benefits for business. Sexual misconduct has become an item on the due diligence agenda for investors; mishandled allegations and ill cultures can devalue businesses and compromise the reputation and careers of executives who ignore the issue. Equally, unacceptable behaviours have been shown to cause employee absence, high turnover rates and low productivity. A positive, active commitment to a safe work environment creates an engaged workforce and a healthier bottom line.

The first step to achieving this is a clear understanding of how we contextualise sexual harassment in the age of #MeToo. The global campaign shed light on the specific issues involved with sexual harassment in the workplace. Across the world, conversations are happening about how workplace power dynamics and hierarchy feed into sexual harassment – and these conversations are now taking place in regions where legal protections don't exist but should. People are speaking up. Insidious talk of “grey areas” and “social banter” still distinguishes sexual harassment from other kinds of workplace harassment, such as racism, which is readily condemned.

This is why it must be dealt with as a distinct problem – and from the top.

Tackling sexual harassment must be led at the highest level of a business, including by the board of directors. If there is no commitment to transparency and accountability from the top, investing in process controls to prevent harassment is a waste of time and money. No one should be perceived by themselves or others as “untouchable”, and leaders must visibly champion respect, civility and gender balance as a business imperative of company culture.

Toxic environments aren't just created by harassers; inaction by leadership, and worse yet retaliation – and the fear of retaliation – allow cultures to fester and encourage victims and bystanders to seek external, rather than internal, mechanisms for voicing their concerns. Businesses must stamp out both management retaliation and retaliation by peers. The reporting and investigation process should encourage victims to come forward and protect them from reprisal, especially where stigma and shame may silence them. Bystanders must also learn how to speak up.

Businesses need to test their own organisation's culture to identify potentially troubling characteristics that could lead to harassment and quickly take actions to mitigate these risks and optimise responsiveness.

Regardless of business size and industry, every leader can actively make their workplace better, safer, engaged and more productive. They just need to take responsibility. Leadership can change culture – indeed, they are the only ones who can. You can't delegate ethics. ♦

# THE INDIRECT COSTS OF SEXUAL HARASSMENT

Factor in the true cost of harassment and it's clear this issue cannot be ignored

Charles Orton-Jones

Following the many revelations and allegations of sexual harassment in the entertainment industry, Netflix banned flirting. Staring, hugging and any sort of romantic overtures are now forbidden. A staff member said: "You mustn't ask for someone's number unless they have given permission for it to be distributed. And if you see any unwanted behaviour, report it immediately." Even staring for more than five seconds at a co-worker is out of bounds.

Netflix justified the strategy, saying: "We want every Netflix production to be a safe and respectful working environment. We believe the resources we offer empower people on our sets to speak up, and shouldn't be trivialised." This position demonstrates support for establishing an environment of respect. Some may say the rules go too far, but others in the beleaguered entertainment industry likely respect this stance on the issue.

## Sizing up the damage

The reality is that harassment has an enormous impact on the workplace. We now have the numbers. An astonishing 80 per cent of women who experience workplace sexual harassment will find a new job within two years. In Britain, a 2016 survey by the Trades Union Congress and the Everyday Sexism Project found that more than half of the women polled had experienced some form of sexual harassment in the workplace.

The costs are hard to calculate, but it's important to get a sense of the impact this has on an organisation. Direct costs are just the start. Fighting a claim is expensive. Losing, more so. According to a report from the Office of Compliance in the US, the US Congress paid out over \$17 million in sexual harassment settlements between 1997 and 2017. Costly cases in both the public and private sectors have made headlines in Europe too, with one UK company ordered to pay over £360,000 to a sexual harassment victim in 2017. But factor in the indirect costs – from drops in share value to reduced employee productivity – and the impact of harassment on the bottom line can soar.

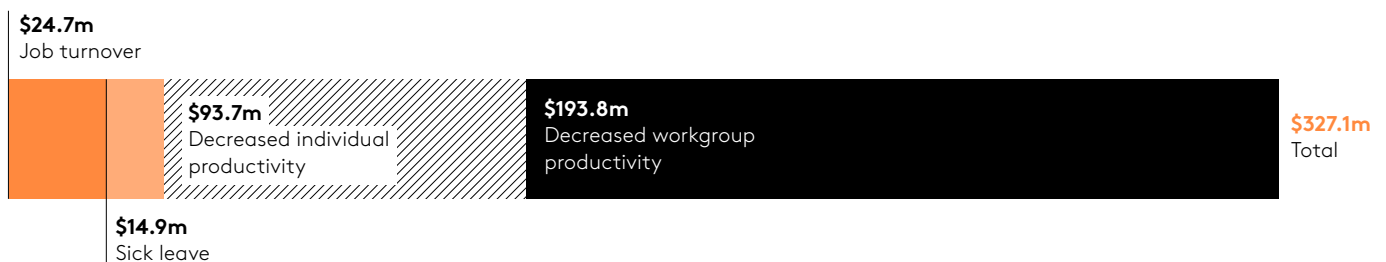
## A question of due diligence

Investors know that a besieged brand will lose ambassadors and fans in the wake of a scandal. When model Kate Upton accused Guess? Inc founder Paul Marciano of sexual harassment, shares fell 16 per cent. Often a scandal will develop quickly, rocking the management structure. Following allegations of personal misconduct, the founder of one British multinational advertising giant left, causing shares to slide 6.5 per cent. Investors said it was the sheer abruptness of the founders' departure that worried them – there was no preparation to bring in a successor.

**If there are problems under the surface, investors now demand to know**

## Cost of sexual harassment in the federal workplace over the space of two years

Employees who have experienced any of eight sexual harassment behaviours



Source: Merit Systems Protection Board, 1994

Social due diligence is becoming increasingly important. The revelations and aftershocks of misconduct by Weinstein and other high-profile businessmen have given rise to “the Weinstein clause” on Wall Street. M&A advisers are introducing new guarantees into agreements, which, in some cases, allow buyers to claim as much as ten per cent of the transaction value back should revelations of sexual misconduct emerge.

*Institutional Investor* magazine said recently: “The next big crisis that will be keeping investor relations officers awake at night is sexual harassment.” In 2017, a coalition of 25 major investors, including Legal & General Investment Management and California’s two state public pension funds, formed to lobby for greater disclosure on workforce metrics. If there are problems under the surface, investors now demand to know.

### The reward of productivity

Sexual harassment can degrade an organisation’s operational performance. Academics at the London School of Economics conducted a detailed study into harassment at the British Police Service in 2017. In England and Wales, 24 per cent of women and 15 per cent of men reported experiencing harassment because of their gender. The secondary symptoms were emphatic. There were health problems, with one in five saying they experienced elevated stress levels. Work productivity was lower across the force. And even witnessing inappropriate behaviour was found to have measurable negative effects. Recruitment at police forces also suffered.

The report found a correlation between “laddish” or “macho” culture and the underrepresentation of minority groups and ethnicities. For the paper’s authors, the moral was clear: “A commitment to a broader philosophy of organisational justice eliminating sexual harassment will reap its own rewards of a more motivated and productive workforce, and a more convincing offer to the diverse recruitment pool.”

### The urgent need for change

Public morals change over time. Former British Lord Chief Justice Igor Judge noted in his memoir, *The Safest Shield*, that during his career he’d watched drink-driving go from being seen as so trivial that juries refused to convict culprits, to a serious social taboo. The punishment rose from two years in prison to five, then ten and now 14 years. Sexual harassment is going through the same process, only accelerated, in response to harsher public perceptions of the crime.

Sweden is introducing new laws, where the victim only needs to prove a lack of explicit consent. France is looking at on-the-spot fines for sexual harassment in public places – which includes degrading or humiliating comments and sexist or sexually aggressive behaviour. Finland introduced such fines in 2016.

As a result, sexual harassment is more toxic than ever for companies. The direct costs are substantial. Combine the indirect costs with the possibility of being exposed by organised and adept social media campaigners in the wake of a scandal and it is clear that ignoring the issue is commercially, and morally, unacceptable. ♦

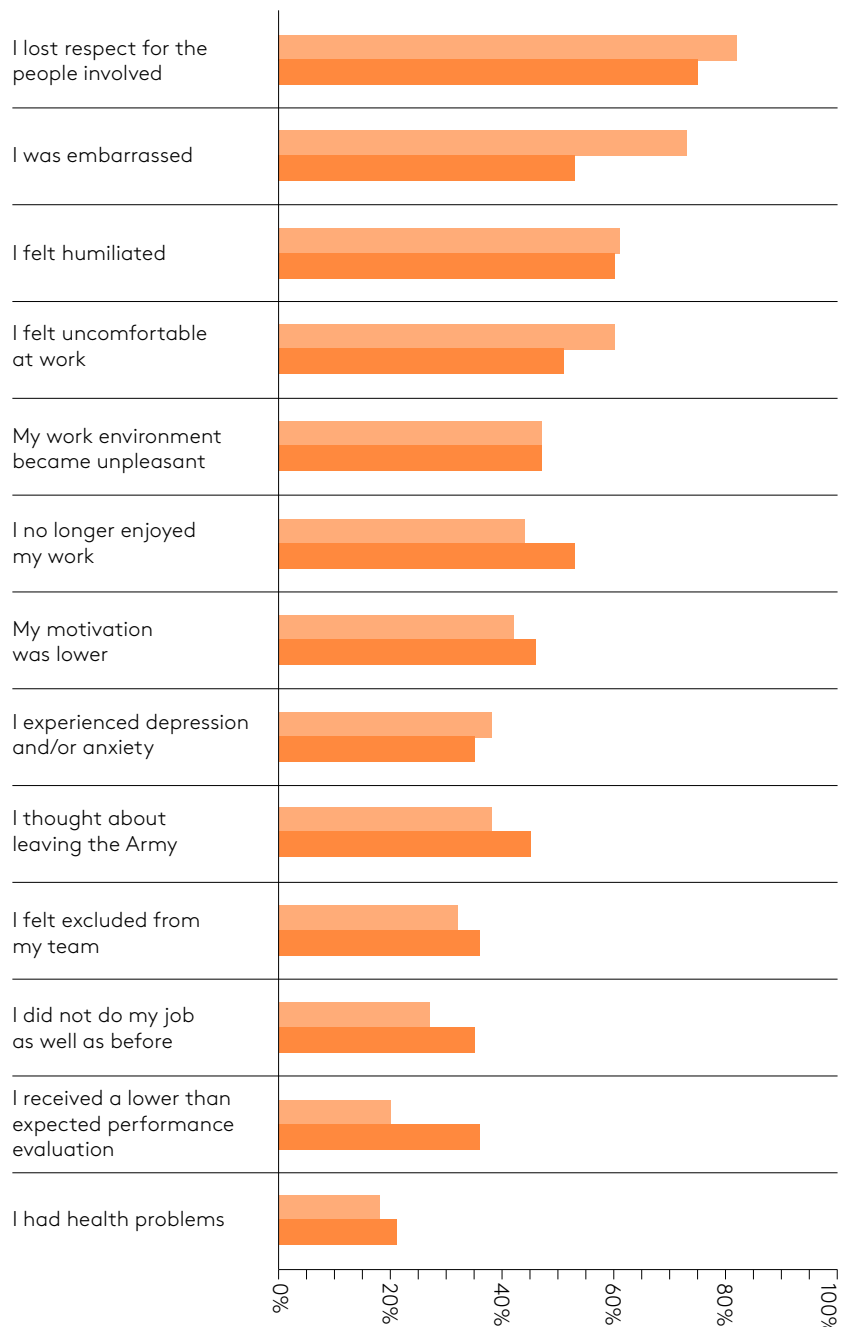
# 1 in 5

## police officers suffer from increased stress and hindrances to their work and productivity due to sexual harassment in the workplace

Source: UNISON/LSE, 2018

### Impact of workplace sexual harassment on employees of the UK Army

● Servicewomen ● Servicemen



Source: Army Sexual Harassment Report, 2015

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# REDEFINING SEXUAL HARASSMENT IN THE AGE OF #METOO

Society has changed, and company policies must change with it

Daniel Thomas

## 1 in 2

**female HR directors and decision-makers think their workplaces are sexist**

Source: Young Women's Trust, 2017

The #MeToo movement dates back to a 2006 Myspace campaign, but was propelled into the public vocabulary across the globe following the 2017 Harvey Weinstein scandal. The movement ignited a much-needed public discussion about the pervasive and sinister nature of workplace sexual misconduct. But despite the many public revelations and consequences that ensued for the accused, there is much more to be done to stop powerful men abusing their positions in the workplace.

While some forms of harassment are unambiguously condemned in the modern workplace, sexual harassment has too often been talked about in terms of 'grey areas'. Abuse has been dismissed as part of a wider culture of sexism. Many viola-

tions have been swept under the rug. But with the #MeToo movement in ascendancy, organisations have realised they must change.

### Law versus culture

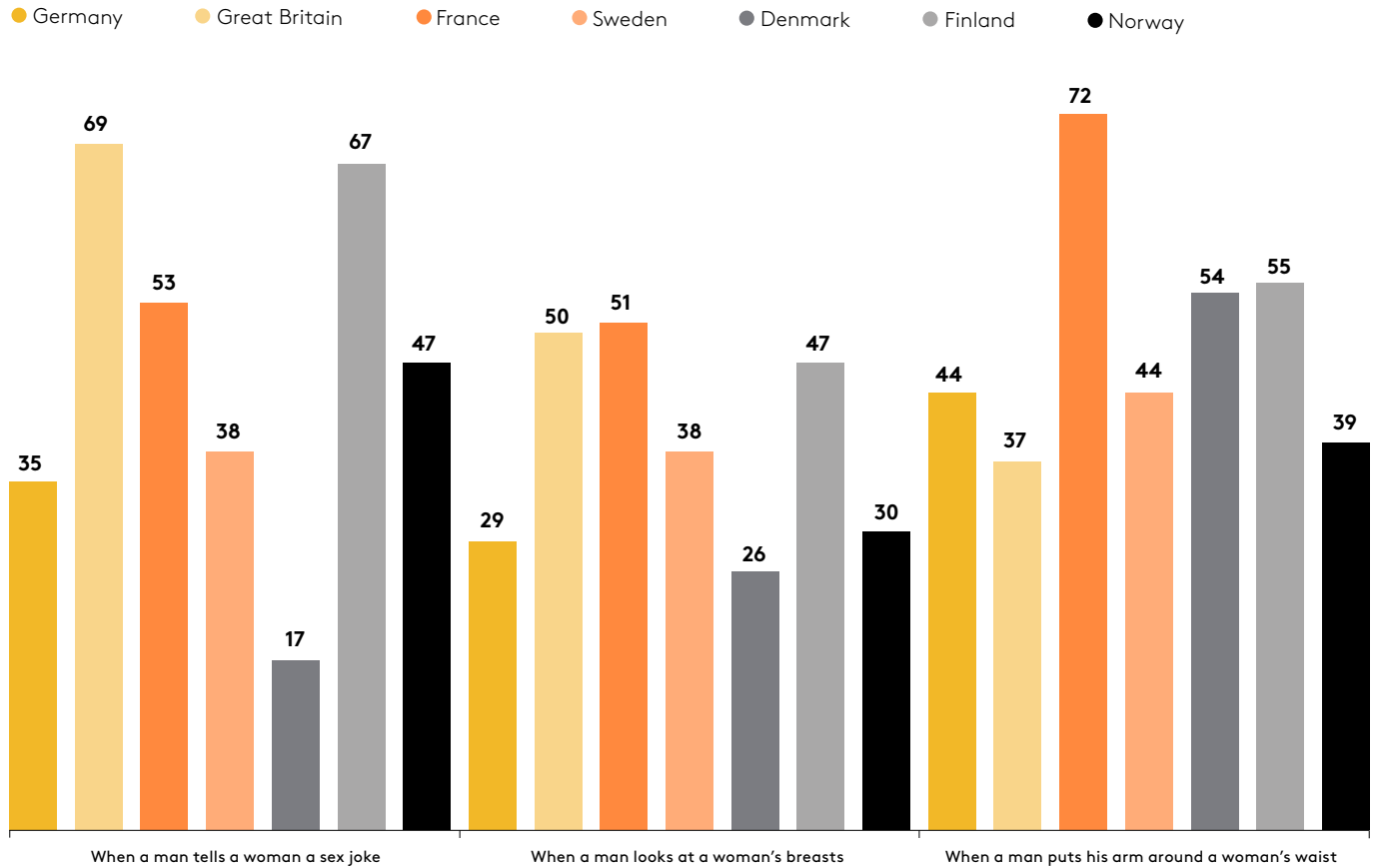
According to Samantha Mangwana, a partner at law firm CM Murray, the legal definition of sexual harassment is perfectly clear in most countries. In the UK, under the 2010 Equalities Act, it is "unwanted conduct that has the purpose or effect of violating your dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment".

"Conduct can include verbal comments or physical actions including touching, standing in close proximity or putting sexualised images up



## What constitutes sexual harassment of a woman by a man?

A per cent comparison of seven European countries



Source: YouGov.com, 2017



in the office," she says. It is not the law that has changed, she adds, it is public opinion. People are finally waking up to the scale of the problem and the long-overdue need to take action.

The law might be clear about what harassment means. But there are cultural disagreements over the definition and how the problem should be tackled, and this is something compliance teams need to address.

In France, the #PasMoi movement that sprang up in response to #MeToo highlighted this tension. In early 2018, 100 prominent French women, including actress Catherine Deneuve, published an open letter in *Le Monde* stating that complaints about men's behaviour had gone too far and become "puritanical". "Rape is a crime," they wrote. "But trying to seduce someone, even awkwardly, is not. Nor is galantry a form of macho aggression."

HR managers acknowledge there can be grey areas with regards to harassment that leave room for interpretation. However, Kerry McGowan, director at consultancy The HR Specialists, suggests this is a poor excuse for not tackling the issue.

"In terms of grey areas, employees need to understand it doesn't matter what the person accused of the discrimination thinks," she says. "[Under law,] it's how it is perceived by others.

"Therefore, if there is any doubt in a person's mind that they might be upsetting someone then they should stop. If they are unable to see this for themselves, then if a manager or someone asks them to stop informally they should stop their actions immediately. Otherwise, formal actions will be taken."

Ingrid Fredeen, vice president, NAVEXEngage online learning at NAVEX Global, agrees: "The focus of any sexual harassment education and prevention programme should be how one's behaviour has an impact on others and the culture. Employees must learn to ask them-

## When acts of harassment are specifically defined, more women report incidents

selves whether what they are saying or doing could make others feel disrespected, excluded, degraded or humiliated. It's about fostering a culture of empathy where employees practice and show compassion for others."

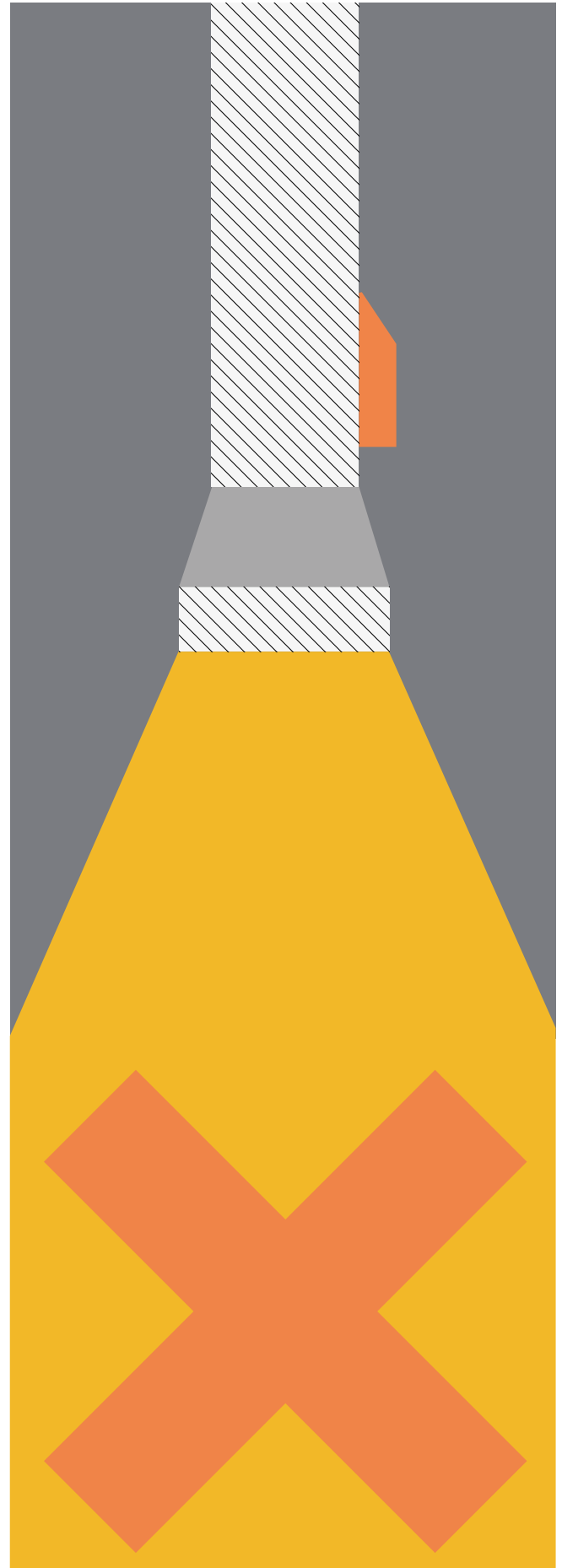
Mangwana points out that some countries have gone further with legislation to quell ambiguities. The Netherlands recently removed the requirement for offending conduct to be classed as "unwanted", helping victims avoid arguments about whether they consented to or "went along with" the treatment – a standard that ignores the reality of the power dynamics often at play.

Meanwhile, in France, Portugal, Spain, Switzerland and China, the law places a much greater duty on businesses to prevent harassment from occurring, with financial consequences for employers that fail to do this. By contrast, the UK places the onus on the victim to progress a tribunal claim, for which they may potentially receive compensation.

### Driving policies home

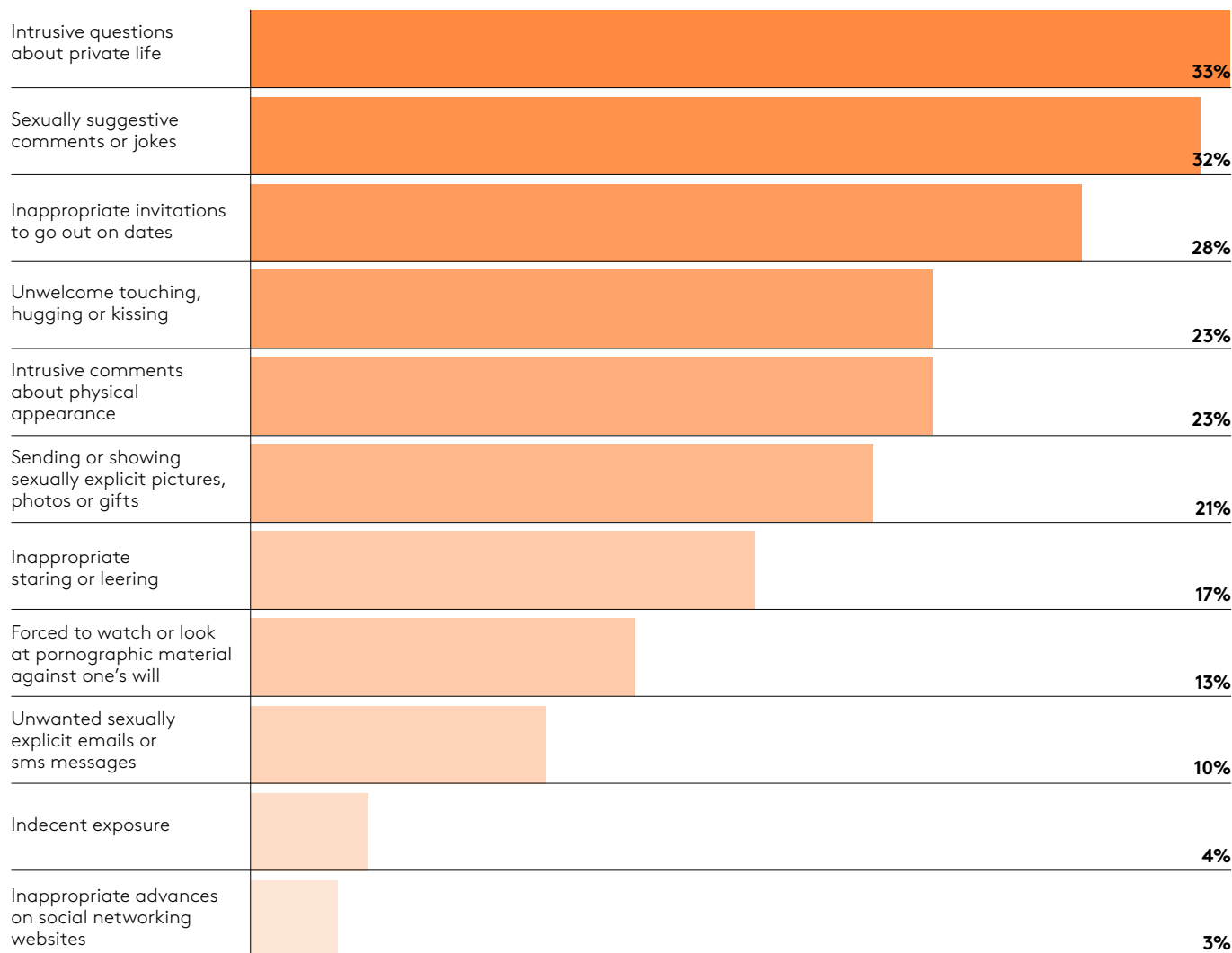
One challenge for compliance teams is managing harassment policies across different countries, accounting for cultural sensitivities and conventions. But compliance teams also need to contextualise company harassment policies effectively, using industry-specific examples of what isn't appropriate. Otherwise, policies risk being ignored, says Mangwana.

After becoming aware of hundreds of reports of sexual harassment, including some of rape, in the theatre industry last year, the Royal Court Theatre in London released an industry Code of Behaviour to prevent harassment and abuses of power. Recognising that situations regularly arose in which boundaries could be blurred, it





## Form of sexual harassment experienced by women in the EU since the age of 15 by somebody in an employment context



Source: European Union Agency for Fundamental Rights, 2014

## 1 in 10 are aware of formal sexual harassment complaints in their organisations

Source: Young Women's Trust, 2017

made specific recommendations including: "It is never appropriate for someone in a junior role to be asked by someone in a senior role to work outside hours in their private home".

Ensuring everyone is on the same page when defining sexual harassment will be key to dealing with the problem in the future. As a 2017 study from the US Equal Employment Opportunity Commission found, when acts of harassment are specifically defined, more women report incidents. Only 25 per cent reported having experienced sexual harassment when the term was not defined, but 60 per cent did when specific behaviours were offered as examples. This is not to suggest that companies should devote resources to drafting a long list of inappropriate behaviours. Instead, they should use examples of misconduct to demonstrate the importance of respect, compassion and empathy, and to communicate what that means for behaviour in the workplace.

Research from the Trades Union Congress found that the most common form of workplace sexual harassment experienced by women in the UK was hearing comments of a sexual nature about other women (35%), followed by unwelcome jokes of a sexual nature (32%) and comments of a sexual nature about bodies or clothes (28%).

Failure to heed such research will leave firms on a "slippery slope" and foster "toxic cultures", says Ben Willmott, head of public policy at Britain's Chartered Institute of Personnel Development. He also rejects claims that a stricter, more readily enforced definition of harassment will, as the #PasMoi movement suggests, stop people being able to be themselves at work.

"It's not about becoming overly politically correct or oversensitive," he says. "This is just the law of the modern workplace, and about making sure there are clear expectations for behaviour and that leaders take those standards seriously." ♦

# ENDING WORKPLACE SEXUAL HARASSMENT STARTS AT THE TOP

Executives must take responsibility, or step aside to let others lead

Peter Crush & Lucie Mitchell

**1 in 4**  
workplace sexual harassment perpetrators are customers or clients

Source: The Equality and Human Rights Commission (EHRC), 2018

The disappointing truth about the modern workplace is that sexual harassment isn't just pervasive – it's entrenched. In a recent survey, the UK's Equality and Human Rights Commission found that three-quarters of the 750 employees questioned had experienced sexual harassment at some point in their working lives. About 75 per cent of the perpetrators were either company directors or colleagues, while the rest were customers.

In the media sector, *PRWeek's* 2018 poll found that a third of PR professionals had been touched inappropriately at work. Meanwhile, the magazine *The Lawyer* found that 45 per cent of women polled said they had been subjected to sexual harassment working in the legal sector. A financial services survey by SourceMedia also found that 22 per cent of respondents, one third of them female, rated sexual harassment as having "high prevalence" in their workplace.

### Tone from the top

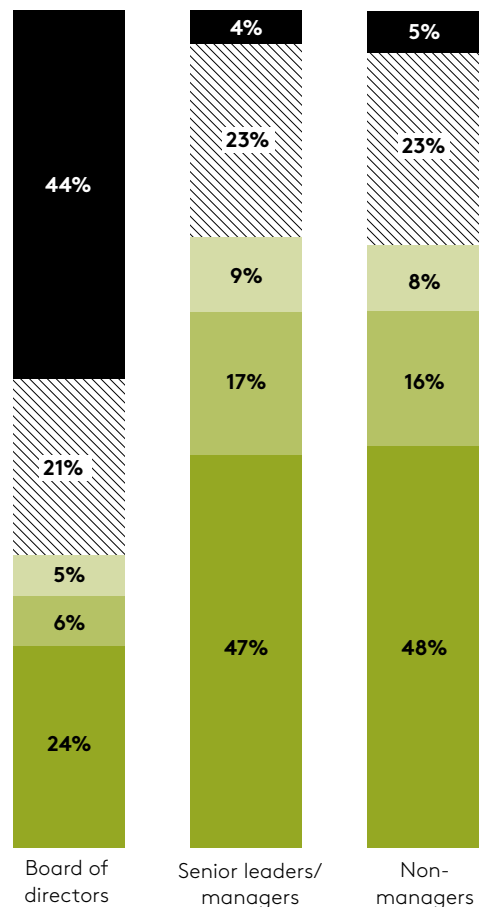
The root of the problem, claim many, is a crisis of leadership. Having strong harassment policies and reporting processes is one thing, ensuring they work is another. This comes down to setting the right tone from the top.

Carrie Penman, chief compliance officer and senior vice president at NAVEX Global, says: "If your business suffers from a lack of board oversight and buy-in, a hotline alone will solve absolutely nothing. If there is no buy-in at the top to set the cultural parameters for what will and will not be tolerated, investing in controls to prevent harassment is a waste of time and money. If people are not held accountable when they transgress expectations, the culture will remain toxic despite your best plans and training."

Thom Dennis, chief executive officer and founder of corporate change consultancy Serenity in Leadership, says most business

### Regularity of training on workplace harassment by seniority

- Every year
- Every two years
- Every three years or more
- ▨ One time
- Never



Source: Ethics and Compliance Training Benchmark Report, NAVEX Global, 2018

leaders don't believe, or decline to believe, that sexual harassment is an issue. Leaders do not stop to ask the question of their employees in a meaningful way. He says this mindset needs to change.

"The board must take it seriously, thus setting an example that flows down into executives, managers, senior members of staff and all other employees," Dennis remarks. "Without the authority of the board, the flow can be blocked by anyone in the executive level who fails to deal with the problem."

The responsibility of executives to tackle sexual harassment is tethered to their role as governors of culture within a business – a role leaders need to be fit for if the organisation's culture is to thrive. "Organisations are not democracies; the culture of a business – the values that are deemed to be acceptable or not – are directly linked to its leaders," claims Simon Hayward, author of *The Agile Leader*. "If leaders don't show clarity here, they're creating ambiguity. The tone is totally set by the top."

### Acknowledging the problem

"You often hear complaints that leaders can't pay their colleagues a compliment, or that the definition of what sexual harassment is has widened too far," says Jane Pendlebury, chief executive officer of HOSPA, the trade body representing the hospitality trade – the profession where employees are most likely to receive unwanted sexual attention.

"But we've needed to get to this stage," she adds. "Leaders in our sector often rise up from the bottom and don't receive the training they should to tell them what is acceptable and what is not. People need to acknowledge there is a problem before they can then deal with it."

Carolyn Fairbairn, director-general of the Confederation of British Industry, last year proposed that firms review their codes of conduct more regularly, and that they should be linked to wider diversity, gender and inclusion issues.

Leaders must have conviction, but also navigate a difficult line. Today, the voicing of an alleged incident is much more likely to result in sympathetic action, which can ripple up the chain to impact the highest levels of a business. "Initially, organisations had good control when these issues were raised," says Ingrid Fredeen, vice president, NAVEXEngage online learning at NAVEX Global. "Now, the power of the media has meant that this control has shifted to the individual, and a single post on social media can bring down a CEO."

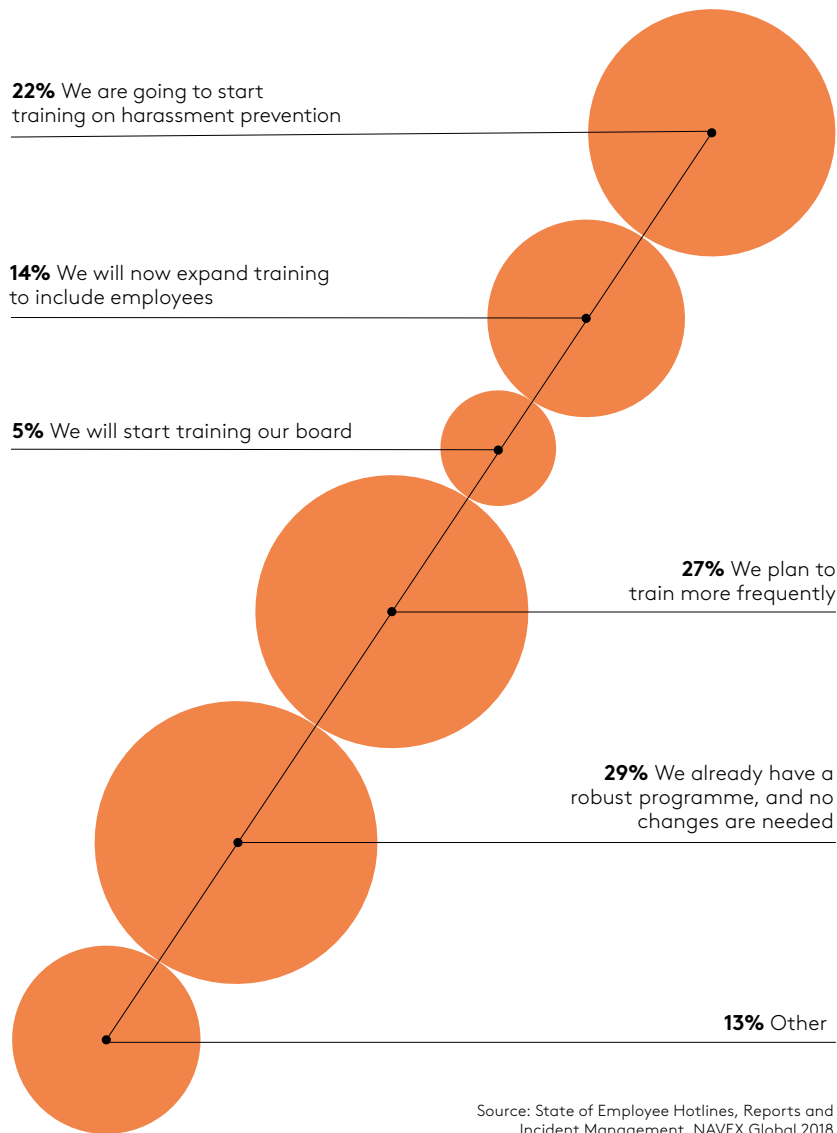
### Time for action

It's clear this topic is both complex and divisive. But all leaders need to drive change – whether they like it or not. "Time and time again leaders get their 15 minutes," says Penman. "They delegate ethics, write new regulations or policies and then pass the buck and go back to business as usual."

She continues: "Change will only occur when all senior leaders and boards of directors own the elimination of harassment and no longer toler-

## 57% of respondents stated that they expect to improve their training following the #MeToo campaign

How have you changed your harassment training programme in the wake of the #MeToo movement?



Source: State of Employee Hotlines, Reports and Incident Management, NAVEX Global 2018

**1 in 5**  
women in the EU experienced the most serious incident of sexual harassment by someone from an employment context

Source: EUFRA, 2015

ate its perpetuation. Today, good people in power need to take responsibility or step aside to let others lead."

While taking a tough stance may not end sexual harassment, it will at least make clear that it's not acceptable. "Most people agree we'd all rather see leaders be overly politically correct," says Hayward. "If leaders don't show clarity on harassment, there are no ethical standards."

Dennis urges employers to ensure that fairness, inclusion and equality are lived throughout the organisation. "That means mentoring for men and women, no exclusive forums, no gender pay gap, rigorous checking for unconscious bias in recruitment and strong mixed representation on the board," he says. "There is much to do – inclusion and self-awareness are the watchwords." ♦

# PREVENTING RETALIATION AND RESENTMENT

Victims of harassment must feel able to report incidents

Cath Everett

**75%**  
of workplace harassment victims in the US experienced retaliation when they spoke up

Source: Lilia M. Cortina & Vicki J. Magley, *Raising Voice, Risking Retaliation*, 2003

If your company has yet to hear an accusation of sexual harassment, don't assume it isn't happening. According to the Equality and Human Rights Commission's recent report *"Turning the Tables: Ending Sexual Harassment at Work"*, 96 per cent of organisations do have robust procedures in place, but four in five women still don't report problems.

Research by the Trades Union Congress in partnership with the Everyday Sexism Project discovered that reasons for not reporting sexual harassment include concerns about it having a negative impact on relationships at work (28%), fear of not being taken seriously (24%), embarrassment (20%) and fear of it having negative impact on their career (15%). "If there is even a perception that there's a professional price to pay for exposing sexual harassment, people will stay silent," says Ingrid Fredeen, vice president, NAVEXEngage online learning at NAVEX Global.

A key underlying factor in failing to report sexual harassment is the power imbalance between victim and perpetrator, points out Beverley Sunderland, owner of Crossland

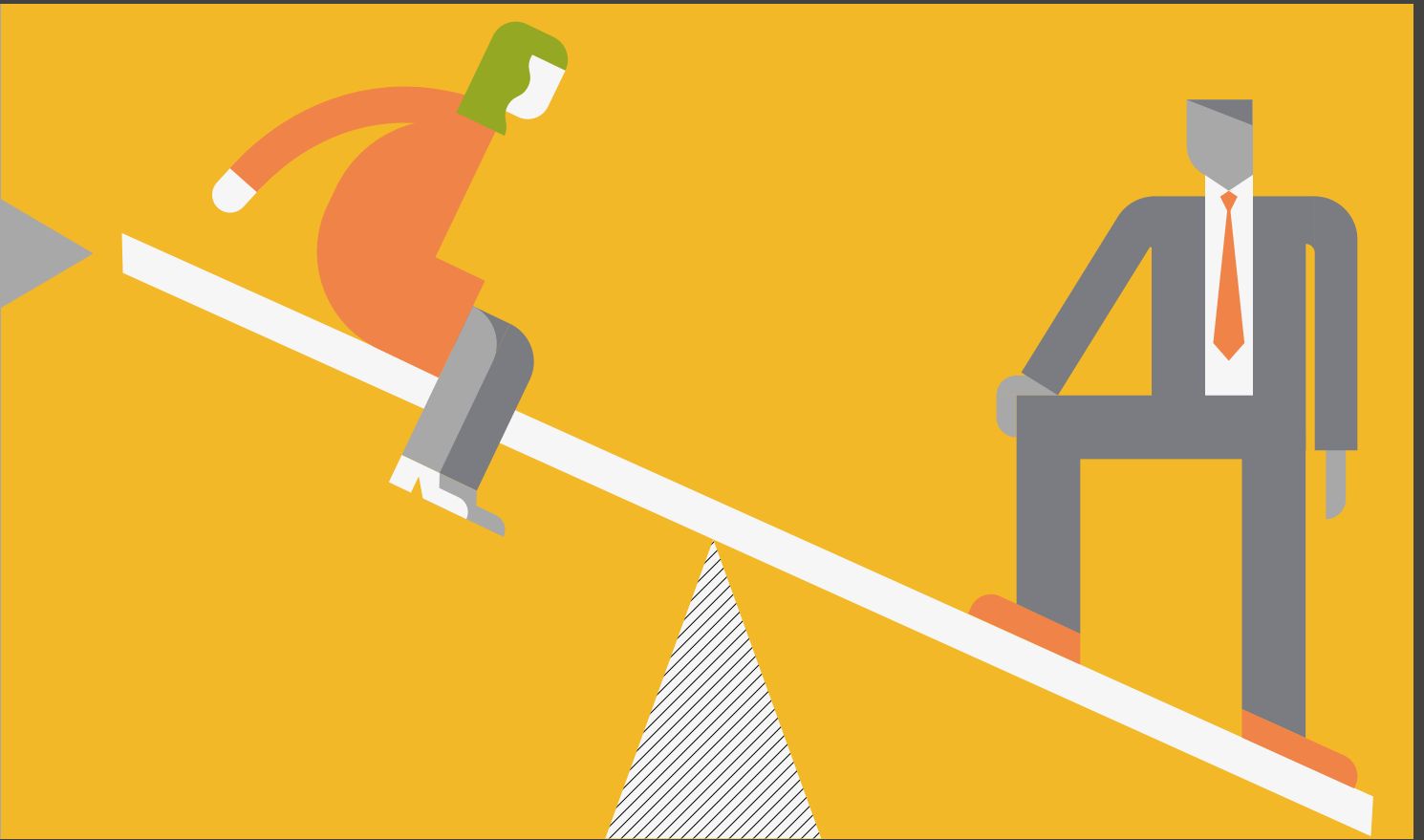


Employment Solicitors. "People find it much easier to confront colleagues rather than their boss, due to the power issue," she says. "If you're on the lower rungs and it's a small industry, for example, you're afraid of being branded a troublemaker, or that no one will believe you."

Fredeen agrees, highlighting that fear of retaliation remains one of the biggest cultural challenges for organisations. "Retaliation is most often included in complaints of equal opportunity, harassment and discrimination," she says. "It is an abuse of power issue, not a compliance issue."

While retaliation against individuals may take obvious forms, such as demotion or overinflating performance issues, it can also take more subtle forms, particularly from peers.

Binna Kandola, co-founder and senior partner at business psychology consultancy Pearn Kandola, explains: "The perpetrator might say something like, 'I'd say how lovely you look today but I know it might offend you.' So, they subvert the situation by portraying themselves as the victim and implying you can't handle the banter, which then ostracises you from the group."



To make matters worse, even if colleagues privately take the victim's side, they are often afraid of retaliation themselves and so fail to stand up to the boss – or worse, overtly take their side.

“You feel it much more from the boss than anyone else, as they have power over you,” says Kandola. “But it’s even worse if the employer turns a blind eye due to a mindset of ‘he’s too good at his job and so we can’t afford to lose him.’ Retaliation then has a free rein.”

### Defend and attack

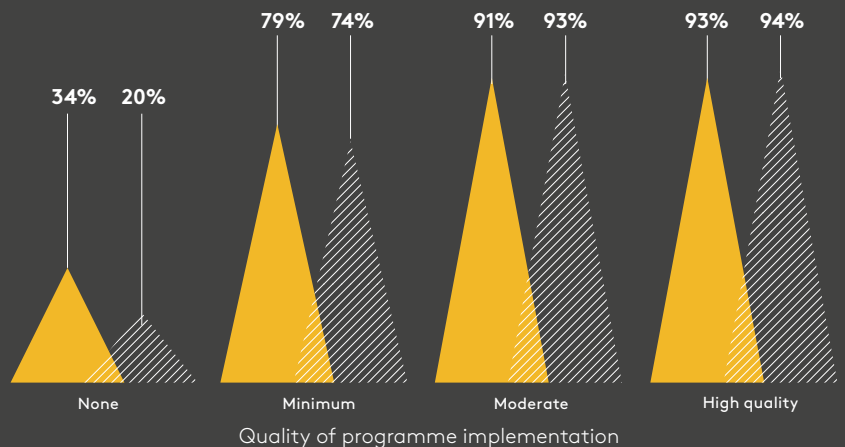
Poorly thought-out company grievance, bullying, harassment (GBH) and disciplinary procedures can actually “make a bad situation even worse”, believes David Liddle, chief executive of conflict management consultancy TCM Group.

“The problem is that if someone feels attacked by being accused of harassment, they’ll often go into ‘defend and attack’ mode themselves, so they’ll do things to discredit the victim, such as saying they’re underperforming,” he says. “In other words, these intrinsically adversarial processes unwittingly encourage retaliatory behaviour.”

### Ethics and compliance programmes that go beyond a minimum standard lead to higher reporting volumes and a greater degree of satisfaction with the reporting process

Percentage of employees who reported misconduct and were satisfied

● Reported    ▨ Satisfied



Source: 2018 Ethics & Compliance Initiative

This reaction is human nature. Retaliation is so prevalent because people naturally want to defend and protect themselves against allegations. This makes education pivotal in helping managers identify what retaliation looks like and how to eliminate it from their own behaviour, as well as that of others.

But as difficult as such situations are to handle, it is vital that leaders do not simply ignore them or brush them under the carpet. If organisations respond badly to the matter, victims are likely to become depressed and anxious, less productive and more inclined to vote with their feet. But more widely, the situation can also have a negative impact on how the company is perceived, both internally and externally.

### Reframing the issue

One possible way to tackle the issue is simply to reframe the organisation's GBH procedures and rename them as "resolution policies" instead.

"So, it becomes not about taking out a grievance but about looking for a resolution, which is more solution-focused language," Liddle explains. "As such, it's less likely to cause an 'attack' dynamic and enables you to go to line managers and ask them what skills they need to create a resolution culture."

From there, it is possible to introduce training courses on everything from listening to unconscious bias, which, in turn, can generate "interesting discussions to help shift the culture", he says.

Another valuable approach is to open a constructive dialogue between the victim and perpetrator, using a "restorative justice" approach to prevent possible retaliation occurring in the first place. In this instance, a trained facilitator creates a safe space for both parties to have a voice and be heard. The aim is to gain mutual insights and enable those involved to move forward as a result.

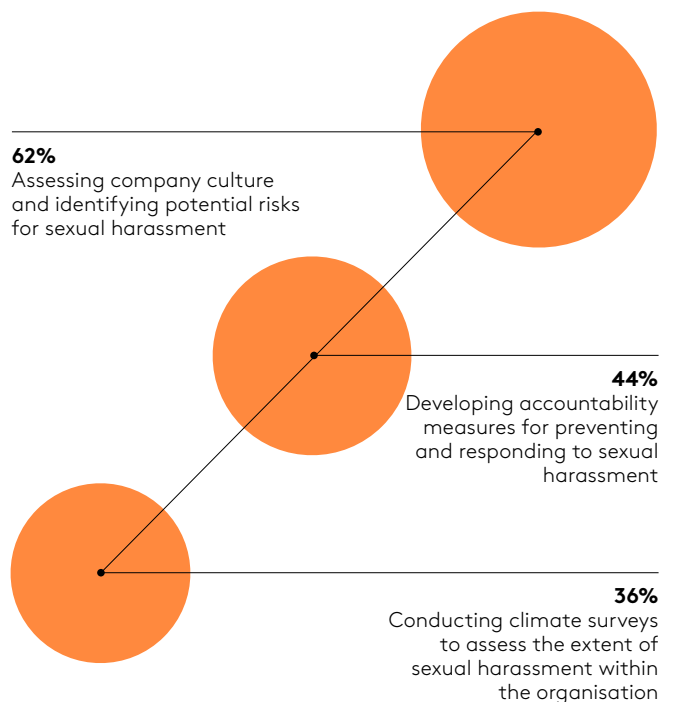
As Liddle comments: "Revenge is a dish best served cold, so there do tend to be comebacks. This means it's about promoting empathy and encouraging people to understand the impact of their behaviour, so they are more able to take responsibility for it." ♦

**They subvert the situation by portraying themselves as the victim and implying you can't handle the banter**



### Employees are taking measures to handle sexual harassment allegations, but more organisations must take preemptive actions to create a harassment-free workplace

Preemptive actions currently being used by HR professionals:



Source: SHRM, 2018

# 1 in 8

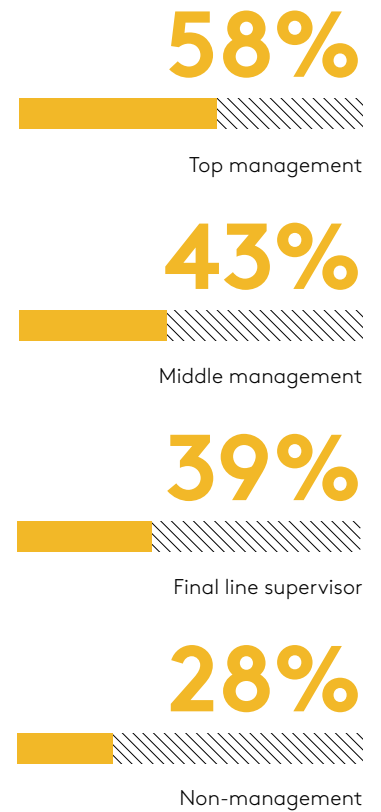
large UK organisations admits knowing that sexual harassment has gone unreported in their workplace

Source: Young Women's Trust, 2017

Those who observe general misconduct do not report due to fear that:

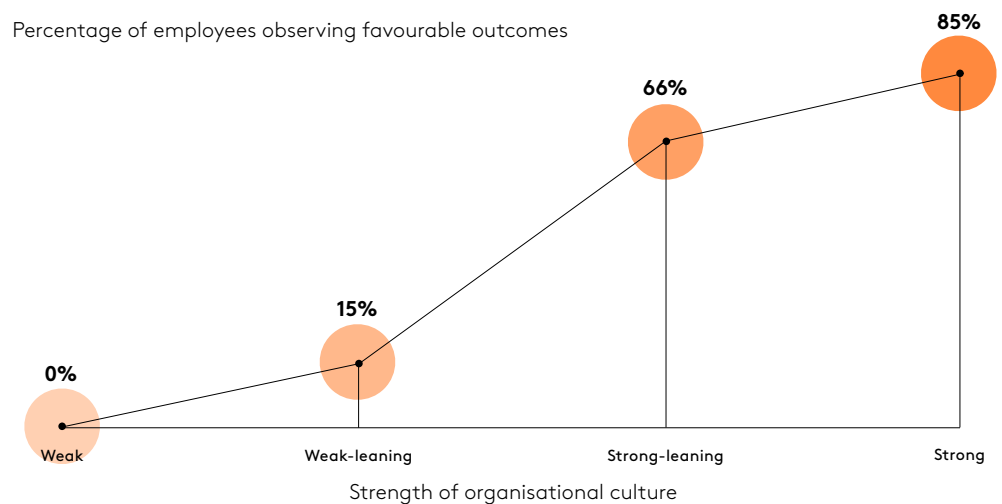


Proportion of reporters of general misconduct who experienced retaliation



Organisations with a stronger ethics and compliance culture have favourable ethics outcomes, such as employees feeling they can raise concerns without fear of retaliation

Percentage of employees observing favourable outcomes



Source: 2018 Ethics & Compliance Initiative

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# EVALUATING THE RISK OF SEXUAL HARASSMENT IN YOUR BUSINESS

Identifying early warning signs can stamp out toxic behaviours before they cause a crisis

Lucie Mitchell

The need for employers to evaluate and mitigate the risk of workplace sexual harassment has never been greater. Leadership has much to gain by taking a proactive approach to doing so.

There are certain characteristics present in workplaces that can increase the likelihood of sexual harassment. According to the Equal Employment Opportunity Commission, risk factors include a homogenous workforce, cultural and language differences in the workplace and workplaces with significant power disparities [see table, right]. Identifying early warning signs can help organisations stamp out any toxic behaviours before a harassment crisis occurs.

Monica Atwal, managing partner of law firm Clarkslegal and director of HR consultancy Forbury People, says: "Sexual harassment occurs when there is a lack of power coupled with an abuse of position, when individuals feel they are in vulnerable

and insecure job roles and when their colleagues cannot understand or relate to them and fail to respect them. It occurs when there is a culture of accepted banter and belittlement and a lack of visible, instant support."

To evaluate and mitigate risk, employers need clear, well-communicated policies on what constitutes harassment and what is acceptable behaviour. Beyond this, leaders can implement strategies such as anonymous surveys and dialogue sessions, which enable employees to discuss their issues and concerns safely, allowing business leaders to identify issues and measure risks.

Carl Radley, CEO of marketing agency Radley Yeldar, recently re-evaluated the way his business tackles sexual harassment by carrying out a series of anonymous discussions with all of its employees to collate their experiences of inappropriate behaviour. This was fed back to the board, who took action immediately.

**Sexual harassment occurs when there is a lack of power coupled with an abuse of position**



## Risk factors to look out for in your organisation

Risk factor	Why this is a risk factor for harassment
Homogenous workforce	<p>Employees who are in the minority can feel isolated and may be, or at least appear to be, vulnerable to pressure from others.</p> <p>Employees who are in the majority might feel threatened by those they perceive as 'different' or 'other' – or may simply be uncomfortable around others who are not like them.</p>
Workplaces where some employees do not conform to workplace norms	<p>Certain employees may be viewed as weak or susceptible to abuse.</p> <p>Abusive remarks or humour may promote workplace norms that devalue certain types of individuals.</p>
Cultural and language differences in the workplace	<p>Different cultural backgrounds may make employees less aware of laws and workplace norms.</p> <p>Employees who do not speak English may not know their rights and may be more susceptible to exploitation.</p> <p>Language and linguistic characteristics can play a role in harassment.</p>
Coarsened social discourse outside the workplace	<p>Coarse social discourse that is happening outside of a workplace may make harassment inside the workplace more likely or mean it is perceived as more acceptable.</p>
Young workforces	<p>Employees in their first or second jobs may be less aware of laws and workplace norms.</p> <p>Young employees may lack the self-confidence to resist unwelcome overtures or challenge conduct that makes them uncomfortable.</p> <p>Young employees may be more susceptible to being taken advantage of by colleagues or superiors, particularly those who are older and more established in their positions.</p> <p>Young employees may be more likely to engage in harassment because they lack the maturity to understand or care about its consequences.</p>
Workplaces with "high-value" employees	<p>Management is often reluctant to jeopardise a high-value employee's economic value to the employer.</p> <p>High-value employees may perceive themselves as exempt from workplace rules or immune from consequences of their misconduct.</p>
Workplaces with significant power disparities	<p>Supervisors may feel emboldened to exploit low-ranking employees.</p> <p>Low-ranking employees will be less likely to understand complaint channels (because of language or education and training insufficiencies).</p> <p>Undocumented workers may be especially vulnerable to exploitation or the fear of retaliation.</p>
Workplaces that rely on customer service or client satisfaction	<p>Fear of losing a sale or tip may compel employees to tolerate inappropriate or harassing behaviour.</p>
Workplaces where work is monotonous or tasks are low-intensity	<p>Harassing behaviour may be adopted as a way to vent frustration or avoid boredom.</p>
Isolated workplaces	<p>Harassers will have easy access to their targets.</p> <p>There are no witnesses.</p>
Workplaces that tolerate or encourage alcohol consumption	<p>Alcohol reduces social inhibitions and impairs judgment.</p>
Decentralised workplaces	<p>Managers may feel (or may be) unaccountable for their behaviour and may act outside the bounds of workplace rules.</p> <p>Managers may be unaware of how to address harassment issues and may be reluctant to call headquarters for direction.</p>

Source: US Equal Employment Opportunity Commission

## // Nobody should be exempt from suffering consequences for misconduct

“Every agency employee then took part in an obligatory diversity, sexual harassment and unconscious bias workshop, run by me,” adds Radley. “The anonymous anecdotes were shared. Nobody was exempt from learning about their colleagues’ experiences.”

It was vital that these measures were driven from the top down. He remarks: “The board understood that we had to start with our own behaviours, including our willingness to listen and learn, backed up with a commitment to address the issues that were raised.”

Jane Crosby, associate at Hart Brown Solicitors, adds: “There should be a willingness for employers to take action against people who are displaying conduct that amounts to harassment, including dismissal, where justified.”

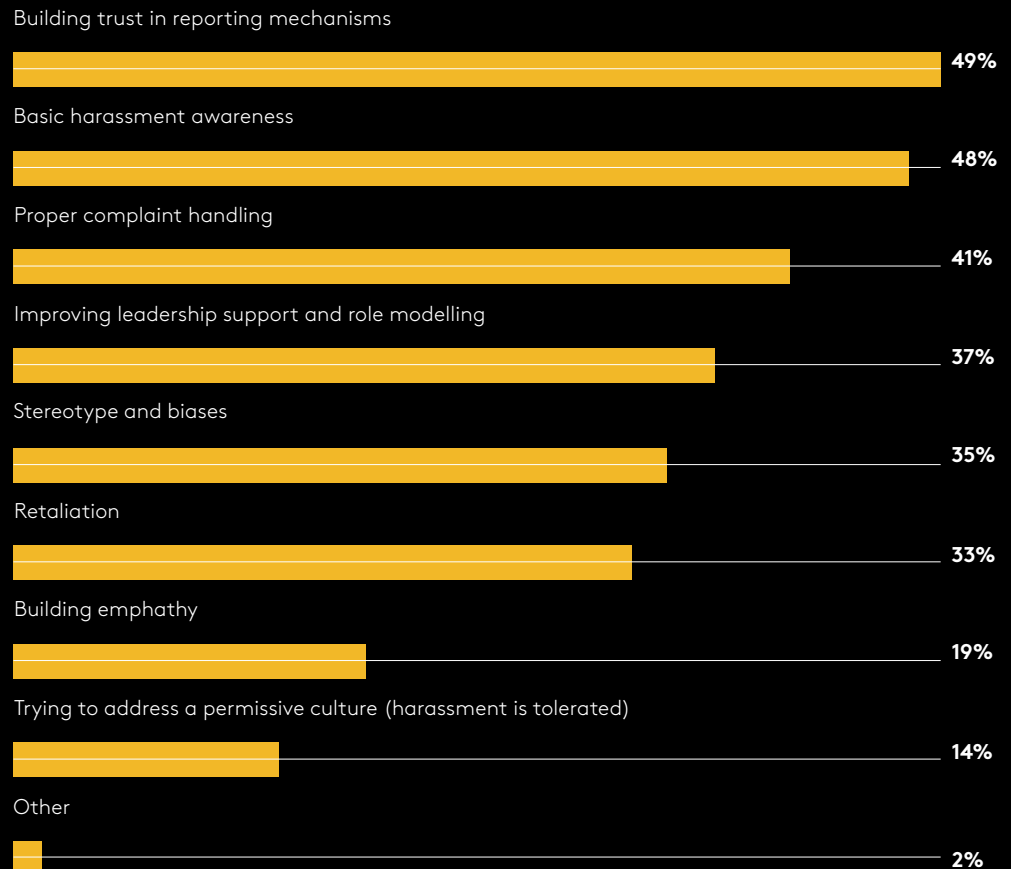
Executives of organisations with significant disparities in real or perceived power need

to pay close attention to relations between groups or individuals where this disparity could turn toxic. Nobody should be exempt from suffering consequences for misconduct, regardless of their value to the business, and executives need to apply rules uniformly.

“The sanction should not vary dependent on their seniority,” says Crosby.

As discussed throughout this report, executives need to be accountable for the norms and conventions of behaviour in their organisations. Anti-sexual harassment policies and procedures need to be entrenched in the cultural DNA of a business, with leaders remaining vigilant and consistent in their management of risks and responses. Ultimate responsibility for the wellbeing of employees and health of the workplace culture is in their hands. ♦

### What harassment issue do you feel is most pressing to address in your organisation?



Source: NAVEX Global, 2018



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