

REPORT OF THE NATIONAL OFFICERS COMMITTEE

**Sexual Harassment Action Plan**

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1. Further to the decision by the National Officers Committee at its meeting on 15 December 2020. The Officers considered the Union's priorities for action in relation to sexual harassment at their meeting on 12 January 2021.
2. The National Executive has previously received a number of reports highlighting the importance of robust action by the Union to prevent sexual harassment and for effective procedures to be in place to deal effectively with incidents of sexual harassment where they occur.
3. The Union recognises that there is no room for complacency in respect of the potential for sexism and sexual harassment to exist within the NASUWT:
  - a) In the labour market generally, 1 in 2 women have been sexually harassed at work.
  - b) Almost half of all disabled Black women have been subjected to verbal abuse at work
  - c) 2 in 3 LBT+ workers have experienced sexual harassment in the workplace.
  - d) One in eight BME LBT+ women have been seriously sexually assaulted or raped at work.
  - e) One in three Trans women have been sexually assaulted at work and over one in five have experienced serious sexual assault or rape at work.
  - f) 4 out of 5 women do not report sexual harassment.
  - g) In 2018, feedback from women members of the NASUWT identified that:
    - (i) 70% of women members polled reported that they always/mainly feel respected in their activist role.
    - (ii) Whilst 30% did not feel always/mainly respected, 6% said they were rarely/never respected in their role as an NASUWT activist.
    - (iii) More than 1 in 4 women said they had felt unsafe or uncomfortable at an NASUWT meeting.
    - (iv) Women aged 40 years or less (c.36%) were more likely to report feeling unsafe or uncomfortable at NASUWT meetings when compared with women aged above 40 years (c.25%).

- (v) 1 in 5 women members (21%) said that they believe there is a negative culture within the NASUWT that acts as a deterrent to women's participation.
  - (vi) 2 in 5 women (42%) reported that they had experienced or witnessed some form of sexist behaviour in the last two years when attending an NASUWT meeting or event. Such behaviours included sexist jokes or banter of a sexualised nature; indecent or suggestive remarks/innuendos; inappropriate comments about your/someone else's body or clothes; unwelcome and inappropriate touching, hugging or kissing.
4. Rather than report concerns, many of those who are sexually harassed tend to either endure the harassment or leave. Research shows that the impact of sexual harassment is profound and long-lasting and includes long-term impact on later life experience of depression. Research indicates that 3 in 5 women who had experienced sexual harassment experienced long-term negative consequences including depression, anxiety, stress, unhappiness, PTSD, adverse impacts on interpersonal and family relationships, and self-harm and suicide.
  5. In the UK, a BBC survey found 20% of men questioned said they had experienced sexual harassment, ranging from inappropriate comments to actual sexual assaults. The survey also found that 79% of male victims kept it to themselves – possibly reflecting the fears that many men have of embarrassment, ridicule or perceived scrutiny of their masculinity that may come with raising complaints.
  6. Reasons why sexual harassment incidents may not be reported include:
    - a) Fear of how the individual will be perceived/treated;
    - b) Concern for the perpetrator;
    - c) Fear of victimisation;
    - d) The potential that the situation for the individual will be worse
  7. In 2018, NASUWT women members said that they wanted action by the Union to address under-representation of women within the NASUWT structures, together with action to create safe spaces for women. 98% said that the NASUWT should adopt strategies specifically to tackle the under-representation of women in the Union's structures.
  8. In 2018, the National Executive adopted a framework to respond to the concerns raised by women members about sexism, misogyny and sexual harassment within the Union. The framework adopted by the National Executive confirmed that:
    - a) The NASUWT opposes all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national

origin, religion, class, colour, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic.<sup>1</sup>

- b) The NASUWT is committed to promoting and advancing equal opportunities through all of its structures, union organisation, campaigning and all other services and activities, including employment practices.<sup>2</sup>
  - c) In accordance with the Rules of the Association, it is an offence to harass or discriminate against another member on the grounds of gender and other protected characteristics. The NASUWT affirms its commitment to eliminating all forms of sexual harassment and violence against women and will take action against any conduct in breach of this Rule.
9. In addition, the National Executive sought to clarify the types of behaviours that it would seek to address in relation to sexual harassment, which were defined as follows:
- a) Sexual harassment refers to 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.
  - b) Unwanted conduct of a sexual nature may include:
    - sexual comments or jokes;
    - taking and/or displaying sexually graphic pictures, posters or photos including posts of a sexual nature through contact on social media, downloaded images, electronic device screens or other means;
    - suggestive looks, staring or leering;
    - propositions and sexual advances;
    - making promises in return for sexual favours;
    - sexual gestures;
    - intrusive questions about a person's private or sex life, and discussing your own sex life;
    - spreading sexual rumours about a person;
    - coercion, including pressure for sexual favours;
    - sending sexually explicit emails or text messages;
    - unwelcome touching, hugging, massaging or kissing;
    - criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communications.
  - c) Unacceptable sexual conduct may refer/relate to a person or persons of the same or different sex; it may be witnessed or overheard by a third party, and does not need to be directed at any individual.
  - d) The NASUWT recognises that sexual harassment is overwhelmingly directed at women and predominantly perpetrated by men. Sexual

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<sup>1</sup> NASUWT Rules. Objects 3(c)

<sup>2</sup> NASUWT Rules. Objects 3(e)

harassment may also intersect with other forms of prejudice and discrimination, including on grounds of age, class, disability, gender identity, race/ethnicity, religion/belief or sexuality.

10. The National Executive further adopted a Code of Conduct in support of its aim to tackle sexual harassment within the Union. The Code of Conduct confirms that:

***The NASUWT is committed to ensuring that all members, representatives, staff, visitors, contractors and other third parties behave in a courteous manner at all times when engaged in work for or on behalf of the Union. Aggressive, offensive, intimidating, disrespectful or other unacceptable behaviour will not be tolerated.***

11. Creating a culture and climate within the Union that addresses sexism, misogyny and sexual harassment requires that the values and expectations of the Union are clear to all, and that they are lived in practice.

12. Where women feel unable to report, or feel uncomfortable, disempowered, attacked or marginalised, this may be because of values and cultures which include:

- a) Male-dominated environments
- b) Macho culture
- c) Power hierarchies
- d) Entitlement not challenged
- e) Impunity for perpetrators including institutional cover-up and betrayal

13. Cultures that underpin sexual harassment are characterised by:

- a) Sexist working atmosphere
- b) Sexualised working atmosphere
- c) "Banter"
- d) Impunity fuelled by a perception that reporting concerns will be ineffective<sup>3</sup>, the perpetrator is untouchable
- e) Leadership that fails to take complaints seriously or to sanction perpetrators appropriately
- f) Leadership that fails to protect complainants from retaliation
- g) Male-dominated gender ratios and leadership

#### **14. Action Plan**

Taking account of the above, the following proposals have been identified as a basis for securing further progress by the Union in:

- a) Fostering and promoting a culture within the NASUWT with a clear and unequivocal commitment to tackling all forms of sexism, misogyny and sexual harassment;

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<sup>3</sup> Smith, C.P. and Freyd, J. (2014) 'Institutional Betrayal'. *American Psychologist*, 69(6), pp. 575-587. Available at: [sf2014.pdf \(uoregon.edu\)](https://uoregon.edu/~sf2014.pdf)

- b) Ensuring that action to promote equality for women and to tackle sexism and sexual harassment is central to all areas of policy and practice within the Union nationally, regionally and locally;
- c) Ensuring the Union has clear and effective procedures to eliminate and deal with any incidents of sexual harassment;
- d) Encouraging the active participation of women in all areas of the Union's structures and activities.

## 15. Policy and Strategy

- a) The National Executive should draw up an action plan setting out the steps it will take to implement good practice on sexual harassment. A task force to drive through any changes required should be considered.
- b) The National Executive should commission an independent formal review of its policy, practice and systems for tackling sexual harassment and advancing equality for women.
- c) The National Executive should develop and adopt a freestanding sexual harassment policy in respect of lay members. These should set out clearly what is meant by sexual harassment, giving examples of physical, verbal and other forms of, sexual harassment. The sexual harassment policy should include bespoke complaints procedures. These should clearly identify to whom any complaint should be made and if the complaint concerns that person, then it should state to whom instead the complaint should be made. Only a person who has had training in dealing with complaints of sexual harassment should be involved in investigating or reaching a conclusion on a complaint of sexual harassment.
- d) Sexual harassment should be defined explicitly as a serious disciplinary offence. It should be made explicit in disciplinary documents that a single incident or first offence may justify summary expulsion from the Union.
- e) A "safe space" facility should be established to provide support for members who have experienced sexual harassment. It should be widely advertised.
- f) Members should be permitted to make an anonymous report of sexual harassment through the "safe space". The Union should monitor the number of reports being made through the "safe space" and confirm the actions it proposes in light of these reports.
- g) A resource bank should be established on the Union's website containing documents relevant to Union's policy on tackling sexual harassment, including complaints procedures and sources of support.

## 16. Organising and Strategy

- a) The National Executive should publish, communicate and monitor its priorities for positive action to improve diversity, advance equality for women, and tackle bullying and harassment.
- b) The National Executive should formulate equality standards for regional committees, local associations and federations.
- c) The National Executive should require regional committees to prepare equality action plans taking into account the standards and priorities set by the National Executive.

#### 17. Internal Union Discipline

- a) The National Executive should confirm the arrangements to be used to deal with any regional committee, local association or lay structure that fails to comply with instructions from the National Executive or support the priorities set by the National Executive.
- b) The National Executive should confirm the arrangements to be used to deal with any member of the National Executive who fails to comply with policy, strategy or other priorities agreed by the National Executive.

#### 18. Training and Positive Action

- a) The National Executive should set out the steps it will take to increase the representation of women at all levels in the Union, among employees and lay officers, and the timescale for doing so.
- b) The National Executive should undertake appropriate equality and diversity training in order to discharge their role(s).
- c) Members from other protected groups that are underrepresented in the Union's structures should be encouraged to participate in its activities and be supported when they do so. The National Executive should provide resources for regular events led by women and members from other underrepresented groups. The availability of resources for these purposes should be widely advertised.

#### 19. Review and Impact Assessment

- a) The National Executive should undertake an annual equalities audit and provide equality impact assessments to inform all political, strategic or resource decisions of the National Executive.
- b) The National Executive should consider annually the profile of elected office holders by sex and other protected characteristics across the Union, together with the breakdown of employees by sex and other protected characteristic.
- c) The National Executive should examine trends with regard to complaints of sexual harassment and outcomes.

## 20. Matters for Referral to the Staff Review Committee

The following matters are referred to the SRC for further consideration and development:

- a) An annual review of the steps taken by the Union to promote equality in relation to staff employment and their outcomes.
- b) A freestanding sexual harassment policy in respect of employees. This should set out clearly what is meant by sexual harassment, giving examples of physical, verbal and other forms of, sexual harassment. The sexual harassment policy should include bespoke complaints procedures. These should clearly identify to whom any complaint should be made and if the complaint concerns that person, then it should state to whom instead the complaint should be made. Only a person who has had training in dealing with complaints of sexual harassment should be involved in investigating or reaching a conclusion on a complaint of sexual harassment.
- c) A “safe space” facility should be established to provide support for staff who have experienced sexual harassment. It should be widely advertised.
- d) Monitoring the recruitment and retention of staff.
- e) Staff appointments procedures
- f) Exit interviews.
- g) Staff appraisals, equality training and induction.
- h) The role and capacity of the Personnel and Development team to support effective equality and diversity practice.
- i) Gender pay gap analysis and action plan.

### **Equality Impact**

The development and implementation of an action plan to tackle sexual harassment within the Union will deliver a number benefits for women’s participation in the Union and help to create the conditions in which women are more willing to participate and hold office in the NASUWT. It will contribute to ensuring that the NASUWT at all levels reflects the profile of its membership and that the Union is better able to recruit and retain women in membership and in the NASUWT workforce.

In taking forward any action plan, the Union will need to be mindful of the intersectional nature of identity and discrimination, ensuring that the perspectives and experiences of women who are disabled, Black LGB, and younger/older women are taken into account as part of the Union’s plans and when reviewing impact and outcomes.

Dr Patrick Roach  
**General Secretary**