

## **WISHING YOU A HARASS FREE CHRISTMAS**

It's that time of year again and Christmas parties are upon us. Employers often go to a lot of expense organising the customary end of year functions that can provide a fantastic opportunity for staff to engage with each other and have fun.

Unfortunately, however, there can be a darker side to the Christmas party to the extent that, as well as the season's greetings currently circulating in the economy, also circulating are necessary directives throughout workplaces for employees to behave themselves at their respective Christmas parties.

Although it has been unlawful for approximately 40 years, sexual harassment in the workplace remains a widespread problem. In a recent TUC Survey<sup>1</sup> on sexual harassment in the workplace, the TUC made the following key findings:

- 52% of all women polled have experienced some form of sexual harassment
- 32% of women have been subjected to unwelcome jokes of a sexual nature
- Nearly a quarter of women have experienced unwanted touching
- More than one in ten women reported experiencing unwanted sexual touching or attempts to kiss them
- Over 80% of those polled stated that their experience of sexual harassment had occurred in the workplace
- 14% of those polled reported that their experience of sexual harassment had taken place at a work related social event such as a Christmas party

Harassment can be defined as unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Men, women and those who are undergoing / have undergone / intending to undergo gender reassignment are protected by law against sexual harassment at work. As above, sexual harassment can occur in the workplace or at a work-related function.

Sexual harassment can take many forms e.g. offensive words, jokes, banter, name calling, hand gestures and unwanted touching.

Sometimes sexual harassment may be a deliberate hostile act by a harasser, but it doesn't have to be. A person may say or do something without realising that their actions amount to harassment – but that doesn't mean it isn't wrong or that you shouldn't try to do something about it.

Owing to the personal nature of any act of harassment, it can be difficult to speak out but remember, you are not alone – if you believe you have been subjected to sexual harassment in the workplace, please speak to your GMB representative without delay.

In most cases, your GMB representative would be able to assist you to take the following steps:

- Confront your harasser (if it is safe to do so) and ask them to stop their unwanted behaviour
- Inform your manager about what is happening

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<sup>1</sup> Still just a bit of banter? Sexual harassment in the workplace in 2016, TUC in association with everyday sexism project.

- Keep a diary of the incident(s) you are complaining of, detailing dates, times, whether there were any witnesses and full details of the incident itself
- Raise a formal grievance if the above does not resolve the matter

Please note that claims in the Employment Tribunal must generally be validly lodged within 3 months of the act complained of. The ACAS Early Conciliation procedure must also be complied with.