



Workforce

Sexual harassment guide

Introduction

This guide was developed to support employees who are currently experiencing or have experienced sexual harassment in their workplace. It will also help managers who may be supporting an employee or individuals and teams improve their understanding of sexual harassment. It is for all employees regardless of job role, grade, or experience.

The sexual harassment guide should be read in conjunction with the [Gender Based Violence Policy guide for managers](#).

At the time of publishing, Public Health Scotland states over 70% of women have witnessed or experienced sexual harassment in the workplace. NHSScotland recognises that sexual harassment is common but unwanted behaviour that happens in society, and the impact is frequently downplayed. However, it is destructive, directly impacting the physical and psychological safety of the victim-survivor.

In the workplace, it can affect employees' professional relationships and, potentially, their careers. It also indirectly affects their families, their colleagues and the health service as a whole. To perform at their best, employees must feel safe at work. NHSScotland acknowledges that sexual harassment contributes to gender inequality in the workplace, and as a large public sector employer, it has a responsibility to challenge and tackle this behaviour.

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Purpose

The purpose of this guide is to:

- Educate all employees on sexual harassment in the workplace.
- Provide advice and support for victim-survivors and their managers.
- Signpost employees to sources of support, including relevant workforce policies.

Who does this guide apply to?

This guide applies to all employees. It also applies to bank, agency, sessional workers, volunteers, contractors, and those on placement, such as trainees, students, or individuals undertaking work experience.

If you are a student and have been sexually harassed while on your placement, then you should contact your university's human resources department and report it to your supervisor in the first instance.

What is sexual harassment?

This section includes definitions and examples of sexual harassment. The list is not exhaustive.

Definitions

Sexual harassment is unwanted conduct of a sexual nature which is intended to or has the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Even if there's no intention to cause distress, it can still violate someone's dignity or create an offensive environment.

Sexual assault is when one person intentionally touches another person sexually without their consent. The touching can be done with any part of the body or with an object.

Third-party harassment is the harassment of a worker by someone who does not work for and is not an agent of the same employer. For example, a patient, relative or carer, or contractor.

Victim-survivor is someone who is or has been the victim of sexual harassment.

Perpetrator is an individual who is alleged to have committed sexual harassment.

Examples of sexual harassment

Examples of sexual harassment include:

- sexual comments or noises, for example, catcalling or wolf-whistling
- sexual gestures
- leering, staring or suggestive looks
- sexual 'jokes', sexual innuendos or suggestive comments
- unwanted sexual advances or flirting
- sexual requests or asking for sexual favours
- sending unsolicited messages with sexual content
- intrusive questions about a person's private or sex life
- someone discussing their own sex life
- commenting on someone's body, appearance or what they're wearing
- spreading sexual rumours
- promises in return for sexual favours
- threats or intimidation
- displaying images of a sexual nature
- unwanted physical contact, for example, brushing up against someone, hugging, kissing, or massaging
- stalking
- indecent exposure
- taking a photo or video under another person's clothing, what is known as 'up-skirting'

A single incident can amount to sexual harassment. A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

It is also important to recognise not all sexual harassment happens within the workplace. Sexual harassment can occur outside of working hours at work social events, in a car park, or via digital messaging and social media.

Third party harassment

Third party harassment can also occur, for example, a patient making sexual comments to employees. All staff are encouraged to report any third-party harassment they are a victim of or witness.

In addition, sexual harassment of a third party by an employee will be managed in line with the relevant NHSScotland workforce policy.

Intersectionality of sexual harassment

There is clear evidence that sexual harassment disproportionately affects women, although it does also affect men. In addition, some employees with other protected characteristics are at greater risk of being sexually harassed. For example, power imbalances between senior, older, male perpetrators and junior, younger, female victim-survivors can mean instances of sexual harassment are underreported.

Further evidence confirms that women from an ethnic minority, women with a disability, and those from the LGBTQI+ community are at increased risk of sexual harassment.

The Equality and Human Rights Commission (EHRC) provides more information. [Read Sexual harassment and harassment at work: technical guidance](#).

Recognising sexual harassment

Disclosing sexual harassment can be embarrassing or traumatic for victim-survivors. Often, they won't report it because they fear the repercussions, such as:

- Being labelled as a 'troublemaker' and feeling ostracised at work.
- Having to re-live their experience.
- Reporting will not lead to action.

Managers should remain vigilant and look out for any of the following signs to help identify sexual harassment. Please note that the following list is not exhaustive.

Indicators of sexual harassment

Everyone's experience of sexual harassment is deeply personal, and signs of it vary significantly. Knowing your staff and colleagues and observing any changes can indicate a sensitive and supportive enquiry would be helpful.

- Performance:
 - Unexplained deterioration in quality of work.
 - Turning down professional development or training opportunities.
 - Reduced participation or contribution in team meetings.
 - Lack of engagement in online chats or being constantly offline.
 - Visibly uneasy or tense during meetings.
- Attendance:
 - Being persistently late or leaving early.
 - Coming in early or staying late for no obvious reason.
 - Having more frequent absences.
- Behaviour:
 - Avoiding social spaces or events.
 - Withdrawing from previous sources of support, including team chats or catch-ups.
 - A loss of confidence.
 - Avoiding or being visibly uncomfortable around certain colleagues.
 - Increased anxiety, distraction, or having problems with concentration.
 - Increased signs of stress or being easily overwhelmed.
 - Being easily startled.
- Physical:
 - A change in appearance.
 - Fatigue or exhaustion.
 - Increased physical tension.
 - Panic attacks.
 - Sleeping or eating disorders, or both.
 - Substance misuse or dependence, or both.
 - Self-harm or suicide attempts, or both.

Having a conversation with a victim-survivor

Employees affected by sexual harassment may not be willing or able to discuss what is or has happened to them. It may be because they don't know how to report it or are unaware that support is available. If you suspect one of your colleagues is being sexually harassed, you can start a conversation.

There may be cases where you try to do this, and the colleague chooses not to disclose or report. If this happens, it's important to respect their decision. Respecting their decision can show that you're approachable and non-judgmental.

Ask them what they would like to happen next and how they would like to be supported. This will be different for everyone.

Questions to help start a conversation:

- Is everything alright at work?
- Is there anything happening at work that's concerning you?
- I've noticed that you're not yourself lately. Is everything okay?

You should listen to them and believe them when they share their stories.

Please do not interrupt, downplay it, or say it could have been worse. Demonstrate empathy. Not everyone wants, or is ready for, anything more than simply being heard.

When someone chooses to talk about sexual harassment, they may approach their manager, a friend or a colleague. Alternatively, they may share with a trade union representative, HR, or occupational health services.

It is important to keep this information confidential. However, there may be situations where it should be reported, for example, when someone discloses that they have committed sexual harassment.

Advice and support for victim-survivors

It is recognised that some employees may not be comfortable identifying as a victim-survivor. All experiences of sexual harassment are unique and will affect individuals in different ways.

As such, when discussing sexual harassment with anyone at work, you should use terminology that all parties are comfortable with.

If you have been the victim of sexual harassment, you may be going through a lot of distress. This is a normal reaction to have. You must remind yourself that you are not to blame. Support is available. The following section is a list of actions you may take to help you manage your experience of sexual harassment.

Talk about it

Talking can empower you and your fellow colleagues to take steps to address sexual harassment in the workplace and help open up wider conversations about gender inequality in the workplace.

Even if you don't want to formally report the behaviour you have experienced, discussing it in a safe, nonjudgmental environment with a trusted friend, colleague, trade union representative, or mentor may help you access the support you need when you need it.

Collect evidence

It is good practice to retain any evidence of sexual harassment you have experienced. This could include texts, emails, or notes you have retained. The more detail you have, the better, especially if you make a formal complaint. You should make note of anyone who witnessed the sexual harassment you experienced or anyone you have consulted for advice or support. You should consider storing this information so that it can be accessed when needed, but it means you do not have to view it all the time.

Report it

If you feel comfortable doing so, we would strongly recommend you report any sexual harassment you have experienced as soon as possible in line with the [Bullying and Harassment Policy](#).

If you have been sexually assaulted or are the victim of a serious crime, then you may consider reporting it to [Police Scotland](#).

If you witness sexual harassment you are encouraged to support the victim to report it, or you can report it on their behalf.

External support and advice

If you need immediate support, you should contact:

- [National Wellbeing Hub](#) – Call 0800 111 4191
- [NHS 24](#) – Call 111
- [Police Scotland](#) – Call 101, or in an emergency 999
- [CrimeStoppers UK](#) – Call 0800 555 111
- [Sexual Assault Response Coordination Service \(SARCS\)](#)
- [Sexual Assault Referral Centres](#)
- [Rape Crisis Scotland](#) – Call 08088 010302
- [The Samaritans](#) – Call 116 123

Related policies

NHSScotland has national workforce policies that apply to all staff. These policies should be used to address instances of sexual harassment:

- [Bullying and Harassment Policy](#)
- [Gender-based Violence Policy](#)
- [Conduct Policy](#)