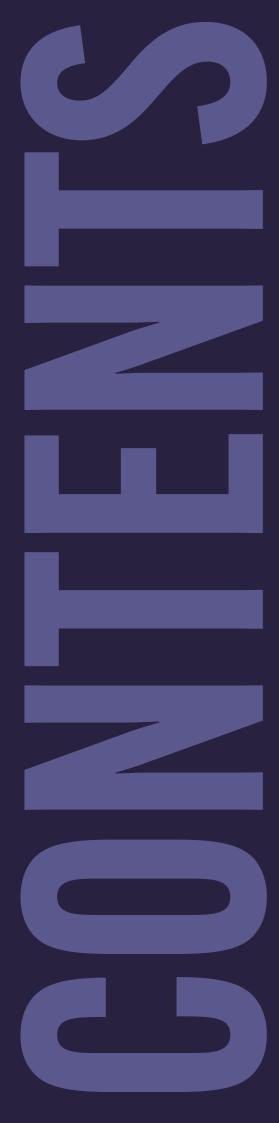


SILENCES COMPLIANCE

STUC Women's Committee Survey of Women in Scotland's Experiences of Sexual Harassment at Work Report

March 2022



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Sexual harassment at work is unlawful. In all its forms, it has no place in our workplaces. It is unacceptable. It is preventable. It is lnexcusable. It is incompatible with Fair Work, Equality, and Safe Working Conditions. Sexual harassment at work is a complete violation of women workers' dignity and rights. Despite decades of campaigning, advancements in legislation, and greater public awareness of its prevalence in more recent times - sexual harassment at work is endemic for women.

Above all, sexual harassment at work is a manifestation of power, control, and structural inequalities. All too often, it goes unchallenged, unchecked, and dismissed. Concerningly – as our survey reveals – hundreds of women's experiences of sexual harassment at work in Scotland continue to go unreported. All too often their experiences are minimised, misunderstood, and mishandled. There is a baked in bias against women who report sexual harassment, abuse of power within the workplace, resulting in deep mistrust of employers to address sexual harassment at work.

The Women's Committee survey findings affirm that workplaces across Scotland are ill-equipped, ill-prepared, and ill-educated when it comes to understanding, preventing and appropriately dealing with incidents of, workplace sexual harassment. Shamefully, few women throughout Scotland have confidence that their bosses and places of work take reports of sexual harassment seriously. From unhealthy workplace cultures and insecure, precarious work, to predatory bosses and gaslighting women continue to face multiple reporting barriers and are at the receiving end of a system that is failing to prioritise women's safety, dignity, rights, and respect.

No workplace in Scotland is immune to sexual harassment- just because it hasn't been reported does not mean it doesn't exist.

The onus on individual women workers to share their stories, be responsible for preventing and challenging sexual harassment at work, and be the ones leading the outcry and call for change in the workplace must be shifted.

The burden of responsibility for combating sexual harassment at work should first and foremost rest with employers to actively educate their workforce, understand, challenge, and do everything in their power to stamp out sexual harassment.

SILENCE IS COMPLIANCE

Sexual harassment at work thrives off a culture of silence and complacency. Challenging sexual harassment at work must be everyone's business. Male colleagues must also commit to being part of the solution- to better understand sexual harassment, to reflect on their behaviours and male colleagues' contribution to casualised workplace harassment culture, and call it out whenever and wherever it occurs. While not all bosses, not all workplaces, not 'all men' perpetuate sexual harassment, virtually all women are affected by it. Men cannot remain silent bystanders. They are crucial to the solution to eradicate it in the workplace, holding both employers and harassers to account,

REPORT & SURVEY BACKGROUND

and fundamentally supporting efforts to collectively fight for change.

Since the momentous #metoo movement campaign, there has been an outpouring of anger over sexual harassment, violence, and misogyny, and women all over the world breaking their own silences.

Whilst the #metoo movement may have sparked widespread public debate about sexual harassment, it is not women's and victims' silence that has to be broken: but employers' and that of the wider workforce. To end the damaging effects of silencing, employers must implement channels for people to report harassment, and ensure that victims feel heard, their concerns validated, and their complaints taken seriously.

Sexual harassment manifests so insidiously that workplaces often separate obvious acts of harassment and violence at work such as rape from more subtle lower-level microaggressions such as suggestive comments or 'jokes' that are simply accepted and acceptable as part of the culture. The two cannot be treated independently of each other when they are interlocking pieces of a much larger problem. Tackling and breaking the silence to challenge the 'the low level' acts of harassment that are often brushed off as 'banter' must also be better understood, handled in the workplace, and clamped down on.

Sexual harassment is a workplace issue. It is a health and safety issue. It Is a Fair Work Issue. It is an equality issue. It is a cultural issue. It is a trade union issue. It is an issue that needs urgent political and policy attention and tougher enforcement placed

upon employers to eradicate it.
A safe workplace and environment free from harassment, bullying, and intimidation is a right.

No workplace will be a safe workplace for women until sexual harassment is eliminated from the social, cultural, and industrial fabrics of Scotland's workplaces.

We cannot depend upon legislation and carefully crafted policy documents alone to protect women from continues sexual harassment at work. Implementation, accountability, and organising on the ground is where real progress and long-lasting progress on stamping out sexual harassment will be made. Trade unions must ensure that sexual harassment is at the forefront of their industrial, bargaining, political, lobbying, and organising agendas.

The STUC Women's Committee and trade unions will continue to fight a safer, fairer, and more equal world of work and one in which sexual harassment at work is made history. We urge everyone to use our survey findings as a tool to increase our collective demands for employers to act on and take responsibility for sexual harassment at work.

STUC Women's Committee Survey of Women in Scotland's Experiences of SexualHarassment: 16 Questions for 16 Days.

Launched during 16 Days of Activism against Gender-Based Violence, the STUC Women's Committee conducted a survey to gather women in Scotland's experiences and views of sexual harassment in the workplaces. The survey aimed to build upon pre-existing research and ongoing campaigning and lobbying efforts to tackle sexual harassment at work and gather specific Scottish data about women's experiences.

The survey was live between the 18th of November 2021 and 31 January 2022 and generated 663 responses in total.

Whilst the STUC Women's Committee understands and acknowledges that men, boys, and non-binary colleagues also suffer from sexual harassment, as trade union representatives of women workers, the Committee decided that this survey would be concerned with documenting and further investigating the experiences and views of women workers in Scotland.

The findings from this survey, combined with the heart-wrenching testimonies of women's experiences and views throughout will be utilised to support internal and external campaigns and educational opportunities, and crucially to advance policy, political and industrial demands relating to sexual harassment in Scotland.



QUESTIONS ASKED

Questions were filtered based on participants' responses to their direct experience of Sexual Harassment and participants were able to share comments anonymously throughout the survey. Participants were also asked about their experience of Sexual Harassment in public and online.

Is or has Sexual
Harassment been
an Issue within
your work place?

Is third-party sexual harassment an issue in your workplace? For example, sexual harassment from customers and/or clients at work?

Does your workplace have a sexual harassment policy?

Is there enough workplace awareness and understanding of Sexual Harassment?

Have you
experienced sexual
harassment at
work?

What type of sexual harassment did you experience?

Did you report your experience of sexual harassment? What was your reason for not reporting?

Do you think you would be able to identify if you were being sexually harassed at work?

Are you aware
of a colleague/
colleagues that have
experienced sexual
harassment at work?

Should employers introduce a safe home policy? For example, for workers' working in the night time economy and/or late/early shifts where access to public transport is currently limited?

Have you experienced sexual harassment in public?

Have you experienced sexual harassment online?

Is there enough workplace awareness and understanding of Sexual Harassment?

What do you believe has to be done to tackle sexual harassment at work?

SEXUAL HARASSMENT — WHAT IS IT?

WHAT IS SEXUAL HARASSMENT?

As defined by the Equality Act (2010) sexual harassment is when a person engages in unwanted behaviour of a sexual nature, whether verbal, non-verbal, or physical, that creates an intimidating, hostile, degrading, humiliating, or offensive working environment.

- unwelcome sexual advances, propositions, and demands for sexual favours
- unwanted or derogatory comments or nicknames about clothing or appearance
- leering and suggestive gestures and remarks or jokes
- intrusive questioning or suggestions about your sex life or a colleague's sex life, and discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- comments of a sexual nature about your or a colleague's sexual orientation
- comments of a sexual nature about your or a colleague's gender identity

- displaying offensive material, such as pornographic pictures or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails or via social media
- predatory behaviour
- coercion
- physical contact such as the invasion of personal space and unnecessary touching, hugging or kissing through to sexual assault, indecent exposure, stalking, and rape (although rape is defined as a separate criminal offence
- up skirting' that typically involves someone taking a picture under another person's clothing without their knowledge

WHAT THE LAW SAYS

Under current equality law employers are legally responsible if an employee is sexually harassed at work by another employee, and the employer had not taken all steps they could to prevent it from happening.

Employers should take reasonable steps to prevent workplace harassment. However, currently, employers are under no proactive duty to prevent sexual harassment in the workplace

If employers can show they took all reasonable steps to stop its employees from harassing one another – for example showing they have a well-drafted anti-harassment policy that all employees have



"Every woman in every workplace has a story to

SURVEY KEY FINDINGS

Women in Scotland's experience of sexual harassment in the workplace

45% of women have experienced sexual harassment at work. A high proportion of women across every sector in Scotland and of all demographics have experienced some form of sexual harassment. This is more common in precarious, low-paying, public-facing, and more male-dominated industries.

1/3 of women have experienced sexual harassment at work within the last year.

Over 50% of respondents know or are aware of a colleague who has/is experiencing sexual harassment at work.

40% of respondents said that sexual harassment is an issue within their workplace whilst 20% were unsure. This was significantly higher in the education, creative, hospitality, manufacturing, energy and utilities, and public sector.

90% of women said that they would be able to identify that they were being sexually harassed at work. Concerningly, younger participants were less likely to know if they were being sexually harassed at work. 50% of younger participants u30 said they wouldn't be able to identify this.

26% of respondents have experienced 'third party' sexual harassment at work. This is more common for health and social care, retail, hospitality, manufacturing workers, and those working in customer-facing roles.

www.gov.uk/government/consultations/consultation-on-sexual-harassment-in-the-workplace/outcome/consultation-on-sexual-harassment-in-the-workplace-government-response

"It is a part of women of all ages' daily life and working experience. It is almost a case of not if but when"

"I experienced harassment from a line manager who told staff he was putting me on a lone person post to 'see if (he) could get a blow job' from me." The most common types of sexual harassment experienced by women at work were

- Sexual innuendos or suggestive comments
- Sexual jokes
- Uninvited and inappropriate commenting on body and appearance, including sexualisation.
- Leering, suggestive looks and unwanted sexual advances, and unwanted physical contact of a sexual nature.

WOMEN'S EXPERIENCES OF REPORTING SEXUAL HARASSMENT IN THE WORKPLACE

- Not believing that their experience or complaint would be taken seriously.
- •That it seemed part of the workplace culture and tolerable.
- •The harasser was in a powerful position.
- Unaware that they were experiencing sexual harassment at the time.
- · Worried about the consequences.

Sexual harassment from bosses and those in powerful positions prevented more 50% of women from reporting their experience of sexual harassment at work.

85% of respondents who have experienced sexual harassment at work did not believe that their complaint would be taken seriously or dealt with appropriately in the workplace.

EXPERIENCES OF CHOOSING TO REPORT THEIR OWN INCIDENT/S

70% of women felt unsupported within their workplace when they reported their incident.

85% of women said that their reports and experience were not taken seriously and dealt with appropriately.

Only 15% of women that reported sexual harassment at work felt that their reporting experience was taken seriously and dealt with appropriately.

When asked more broadly about what prevents women from reporting sexual harassment at work, the top reasons were that:

- Women's experiences would not be taken seriously or believed
- To report would be more stressful than letting it slip
- Women are scared to lose their jobs or hours
- Most women know the harasser There is no support to do so
- Women don't often view it as that bad or want to be seen by colleagues as exaggerating

"My area manager was the harasser and who were we suppose to report sexual harassment too?"

"I knew the harasser, I didn't think it was that bad, it appeared to be part of the workplace culture and acceptable."

PUBLIC, THIRD PARTY, AND ONLINE SEXUAL HARASSMENT

61% of respondents have experienced sexual harassment in public and on their way to work.

90% of women believe that employers should introduce safe home policies.

Almost 30% of respondents have experienced sexual harassment online.

90% of women under thirty years old have experienced online sexual harassment.

WORKPLACE POLICY, TRAINING AND EDUCATION

51% of respondents worked in a workplace where there was no sexual harassment policy or where they were unsure of whether there was a sexual harassment policy.

65% of respondents strongly believed that there is not enough workplace awareness and understanding of Sexual Harassment.

The findings of this survey reveal that across every workplace sector in Scotland – women workers continue to experience a high level of sexual harassment and shamefully employers are failing to acknowledge, intervene and prevent its escalation. Furthermore, the misuse of power and exploitation and predatory bosses were common themes throughout, where women experienced direct harassment from those in positions of power and influence, which in turn left them feeling powerless and fearful, and unable to report.

More, women expressed that workplace culture and tolerance of 'lower level' sexual harassment is deeply rooted in the workplace and that often it is easier to 'put up with it' than report it or seek to challenge the inherited workplace cultural behaviour.

Notably, the findings highlight the contribution workplace conditionality plays on women's experiences of sexual harassment. Sexual harassment appears to be significantly rife across the creative and hospitality sector and for women working in precarious employment where women are more likely to be forced into remaining silent for fear of losing their jobs or future working opportunities. Additionally, for freelancers, precarious workers and those working within smaller businesses, reporting mechanisms are either non-existent or unclear. Shockingly, sexual harassment workplace policies either do not exist or are poorly communicated across many workplaces in Scotland.

Disappointingly, the onus of responsibility when it comes to sexual harassment at work remains heavily upon Individual women and workers. Workplace education and training at work is minimum and whole workforce education, understanding of what is and what is not sexual harassment at work, and how to report incidents is extremely insufficient.

"I have experienced sexual harassment in more than one work situation and twice it was my supervisor so I felt like I didn't have anywhere to go"

"I approached HR about it and was told not to bother as it was 'just Bill being Bill'.

RECOMMENDATIONS FOR ACTION ON SEXUAL HARASSMENT

Fundamental and drastic change is required across Scotland's workplaces. Our set of recommendations calls for urgent action and the prioritisation of Sexual Harassment at Work.

WE CALL ON EMPLOYERS

- To implement a zero-tolerance and holistic approach and policy to sexual harassment that is focussed on prioritising prevention.
- To provide mandatory training for all senior staff and regular and tailored anti-sexual harassment at work education for all workers. This must include Increasing awareness and education about what is and what isn't sexual harassment and acceptable and unacceptable workplace culture.
- To develop a distinct and robust sexual harassment at work policy. This should also encompass third-party sexual harassment and consider sexual harassment at work risks in the context of homeworking arrangements and online.
- For all employers to record and report incidents of sexual harassment.
- To imminently take a preventative approach rather than relying on the reports of individuals. Employers have the power to take steps now.
- For sexual harassment to be treated as a severe Health and Safety at Work matter and for all risk assessments to explicitly consider sexual harassment as a risk.
- For the workplace sexual harassment policy and anti-sexual

harassment guide to be communicated and form part of workplace inductions.

- Communicate clear reporting procedures of Incidents of workplace sexual harassment and provide employees with the option to report Independently.
- To implement Safe Home Policies, including providing transportation for employees, particularly those working in the night-time economy, unsociable hours, and dependent upon public transport.
 That all local authorities in Scotland use local licensing laws to mandate all licensed hospitality and late-night venues to implement safe home policies
- To facilitate a day one right to flexible working, sick pay, and stable, secure contracts to minimise prevention barriers; and sexual harassment leave where applicable without loss of pay, to ensure all women are given the appropriate space and flexibility to seek support where required without loss of earnings.
- To recognise trade unions in the workplace, work with them, and workplace tackle workplace sexual harassment.
- To actively promote and highlight
 exual harassment awareness, including displaying leaflets, signposting support mechanisms.
- To fully investigate all complaints throughly and with severity.

"I didn't know who to speak to and thought people would say I was imagining it/ was making it up and that he'd turn it around or just say I'd made it up."

"The harasser was a senior person and my direct line manager. I did not think I would be believed and even if I was, they'd rather lose me than him."

- To provide by-standards education and training that focuses on all employees collectively challenging the behaviour in the workplace.
- To actively diversify the workforce.
 Sexual harassment occurs more often where there are gender imbalances at all levels of the workplace, but particularly in more male-dominated industries, and those where men continue to hold the most power.
- To conduct its review into workplace culture and sexual harassment.

WE CALL ON RELEVANT GOVERNMENTS AND PUBLIC BODIES

- To implement without further delay the UK Governments' commitment to introducing a new duty on employers to take all reasonable steps to prevent sexual harassment.
- To immediately deliver without further delay on its commitment to reintroduce protection against third-party harassment in the UK and without the three strikes test.
- To Immediately extend the time limits for Individuals to bring claims to an employment tribunal from three months to a year (at a minimum).
- To ensure greater enforcement and compliance with the ILO convention 190 from all governments.
- To explicitly protect all freelancers and self-employed workers from sexual harassment in the Equality Act (2010).

- To Implement Section 14 of the Equality Act and review the limit of two characters.
- To lobby the UK Government for Equality Reps to be given full recognition and facility time.
- Introduce an explicit measure on preventing and responding to sexual harassment under the Scotland-specific regulations of the Public Sector Equality Duty.
- For sexual harassment at work to have a greater focus and more distinct place in the vision and work of becoming a Fair Work Nation by 2025 and for the Scottish Government to investigate and provide an action plan that reflects how sexual harassment at work will be prevented, tackled and monitored within both a Fair Work, Equality and Health and Safety at work lens.
- To develop an Equality Court in Scotland.
- To bring forward legislation that would make public sexual harassment a crime in Scotland.
- For all businesses operating in Scotland to require recording and report incidents of sexual harassment.
- To commit to extending the time limits for individuals to bring claims to an employment tribunal from 3 months to 1 year in Scotland when devolution of employment tribunals come to Scotland.
- To take urgent action on the idespread but often hidden issue of sexual harassment in schools both towards staff and pupils by delivering compulsory, highquality sex and relationships education

"I worked in hospitality and many above responses are the reason I didn't say anything. You were just meant to laugh it off because it was all in 'good fun'. I also felt that the older generation - both men and women - wouldn't take it seriously."

"I didn't have faith in the system to report it and when it came out as part of a separate investigation into his inability to manage our team, I was told now wasn't the time to raise it and that if I wanted to pursue a separate investigation I'd be questioned directly by the person I had identified and/or they would be present throughout any 'hearing'. Even now I remember how awful the people in that enquiry made me feel"

covering consent, online abuse, gender equality, and healthy relationships; and to work with education unions to implement sexual harassment training and support mechanisms for both staff and pupils.

- To ensure businesses across
 Scotland take preventative workplace action now.
- To encourage all workplaces in S otland to implement Safe Home Policies.
- To clarify the responsibility and accountability for licensing hospitality venues to ensure that safe transportation for their workforce to and from their place of employment
- To provide explicit support and guidance for all freelancers and selfemployed workers in Scotland who are currently not protected from sexual harassment at work under the Equality Act.
- To develop a bespoke, robust and mandatory training module for all businesses and employers in Scotland, and fully resource expert organisations and initiatives to support workplaces across Scotland understand, prevent, and protect workers from sexual harassment.
- To promote collective bargaining and greater emphasis on the significant and positive role trade unions can play in tackling sexual harassment at work.
- To work to ensure there are greater regulations and action against online abuse, including challenging tech companies to act, and ensure that this is considered when delivering the Equally Safe Strategy.
- To commit to working with trade

unions, victims, and violence against women organisations to explore the misuse of Non-Disclosure Agreements in Scotland and consider bringing forward greater protection and legislation to minimise its misuse to covers up discrimination and protect powerful individuals which too often silence and isolate survivors of sexual harassment.

"In the 20 years since completing my PHD I have experienced sexual harassment several times. Sexual harassment was its worst when my employment status was precarious. I think precarity is a big problem as women often fee unable to report harassment without fearing their job securing.

"I am a freelancer. I have no HR department. I have no set workplace. Who do I turn too? If I call out client's behaviour, I risk my job and potentially other job opportunities. Pay my rent or report?"

TRADE UNIONS

Without trade unions, many of the policies we enjoy today would not be a reality. Trade Unions are essential in fighting for a better, safer, and more equal world. The collective and industrial muscle to hold those in power to account for and fight for change should never be underestimated. Trade Unions play a crucial role in eradicating sexual harassment at work.

Regrettably, though, Trade Unions both as employers and membership organisations are not immune when it comes to sexual harassment. Everyone has to get their house in order on sexual harassment.

We urge Trade Unions:

AS EMPLOYERS

- To develop and implement an exlusive sexual harassment policy for union staff.
- To provide mandatory sexual harassment training for all union officials, employees, and union representatives paid and unpaid.

meetings, conferences, online, and clear safeguarding communication.

- To provide clear supporting channels for reps who may have experienced both internal and third-party harassment whilst representing the Union; and offer guidance and support when dealing with sexual harassment at work cases, particularly if this is triggering.
- To embed sexual harassment as mandatory part of any workplace rep training and offer specific guidance on how best to handle Sexual Harassment at work incidents, particularly male and health and safety reps.
- To develop and produce materials to be used to publicise sexual harassment and gender-based bullying and the role of trade unions in combating it and supporting members.
- To develop a comprehensive and regular sexual harassment at work educational training program for all reps and activists, which includes increasing awareness and education about what is and what isn't sexual harassment and acceptable and unacceptable workplace culture.

AS MEMBERSHIP ORGANISATIONS

- To survey their membership on their experiences and understanding of sexual harassment, both within their respective workplace sectors and union.
- To develop and implement an exclusive sexual harassment policy for all members, activists, reps. This should include incidents of sexual harassment at

WOMEN IN THEIR OWN WORDS

"It was my bosses' husband who also worked there and she already knew what he was like." "Sexual Harassment at its worst when my employment status was precarious. I think precarity is a big problem as women will not feel able to report harassment without fearing for their job security."

"I almost expected to be sexually harassed wherever I go now."

"Trade Unions along with external agencies must keep this high on their agenda. Our own union has a motion to Conference this year. We must educate both men & women."

"A policy that is explained at the start of you working at the company. Managers leading by example. I was one of the only female managers and felt that if I reported it I would be advised it was just banter and then mocked"

"All employees should have been given a copy of sexual harassment at work policy."

"In my experience, the perpetrator does not think he is doing anything wrong so the culture needs to be addressed and people need to know when they are being inappropriate."

"I am the only female in my workplace and one of the men only ever talks about his sexual prowess and makes crude remarks about any women that go through the station and what he would like to do to them."

"Be explicit about what sexual harassment is and how to report it."

"I think this is an issue that sadly exists within our society. There are many policies and training that can be put in place at work, and yes some of them will take this seriously with the right management but I believe the problem is deeper than that. This is education that has to be taught in schools, in our communities, in our homes, and everywhere."

"I think teaching people from a very young age that respect for each other and what constitutes as consent and sexual harassment is the way forward. We need to continue this education in the work place, with regular refreshers on what can be done to stamp out sexual harassment. We also need to ensure to nip problematic and sexist behaviour in the bud, before it turns into sexual harassment or worse."

"Everyone should be given sexual harassment at work policy and they should have to sign it."

Late-night workers should have taxis available, or car park spaces at work for workers at night. It should be seen as just as much a priority as any other harassment and taken just as seriously.

"It's culture. The culture needs to change so any abuse of power, including sexual harassment of any type, is seen as wrong and offensive. The understanding of sexual harassment needs to change too. We still have reps who say things like "can't a guy show that he fancies a woman now then" or "it wasn't that bad, not like she was raped or anything."

"Increase awareness for women of what they shouldn't have to put up with. Focus on the harassers' behaviours rather than the victims - it shouldn't matter what the victim was wearing or if they had a drink (victimblaming). Increase men's awareness of women's experience and how they can avoid making woman feel unsafe."

"More education and understanding for al Independent reporting structures in the workplace, especially if it is happening from the boss or HR."

CONCLUSION

Sexual Harassment in the workplace is rife. Decades of inaction, ignorance, complacency, and silence and on the part of employers is deplorable. The consistent and widespread degrading of women workers' right to a safe workplace and violation of their dignity – particularly from those in positions of power and influence - is utterly shameful.

These bleak revelations of women's experiences in Scotland build upon existing and exhaustive evidence of women who continue to be shamed, silenced, and unsupported at work by a system that works' towards prioritising the protection of predators and employer reputation over prevention and protection from sexual harassment. Women's experiences throughout Scotland continue to be minimised, silenced, and routinely and shockingly handled by employers.

The new and proposed legislation by the UK Government to place a new duty on employers to prioritise the prevention of sexual harassment at work is welcome progress and an opportunity to bring about change and shift the burden of responsibility onto employers. However, legalisation and policy alone will not eliminate sexual harassment from our workplaces, our streets, and our society.

As Trade Unionists, we often and proudly use the acronym – Educate, Agitate, Organise. Sexual Harassment at work must remain high on our bargaining and political agenda. Tackling Sexual Harassment at work and building more appropriate and adequate support mechanisms for victims is not only possible but required now. The role trade unions play in collectively holding employers and workplaces to account is critical.

For too long workplaces have remained silent and compliant about sexual harassment. Women have the right to a safe workplace where women are treated as equitable entities, not sexual commodities. Silence on sexual harassment is compliance. The STUC Women's Committee demands action, not compliance on preventing, tackling, and prioritising sexual harassment in the workplace now.



REPORT ACKNOWLEDGEMENTS

This research and paper would not have been possible without a team of people working behind the scenes from its inception. The STUC Women's Committee wishes to acknowledge and send a heartfelt thanks number of people

PARTICIPANTS

To all of the women who participated in this survey and shared their views, stories and documented their demands for change. Without the participation of respondents, this research would not exist. The documentation and insight of women's voices and experiences are invaluable.

PROMOTION OF SURVEY

To all Scotland's Trade Unions, STUC Comms department, and external organisations and individuals who supported with the sharing and promoting of the Women's Committee survey and encouraging participation.

DESIGN OF REPORT

To Megan Park Illustration for beautifully designing this report and bringing our research and content to life on behalf of the STUC Women's Committee, and her time, commitment, enthusiasm, and diligence throughout the process.

WRITING OF REPORT AND RESEARCH

To the Women's Committees sexual harassment working group: Lorna Glen, Rachel Rogers, Audrey Manning, Tara Lillis, and Brenda Carson who worked to take forward this research and this report on behalf of the Committee.

To STUC Equality (Policy) Officer, Erin McAuley for working alongside members of the STUC Women's Committee from the Inception of this research and with the writing of this report.

STUC SECRETARIAT AND STAFF

To all staff at the STUC for their secretarial, policy, and comms support to the Committee, particularly STUC Deputy General Secretary, Linda Sommerville, STUC Communication Officer, Karina Liptrot, Policy and Equality Administrator, Shona Scott, and STUC Equality (Policy) Officer, Erin McAuley.

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