



CHALLENGING SEXUAL HARASSMENT IN THE WORKPLACE:

Report for TSSA Annual Conference 2024

Agenda Item 10

1 The Kennedy and Conley Reports revealed a persistence culture of bullying and
2 harassment within TSSA, including significant sexual harassment of particularly
3 younger female staff.

4 The picture painted of TSSA's internal culture reflects behaviours and attitudes in many
5 workplaces in the transport industry and beyond, as demonstrated by several high-
6 profile reports of sexism and racism in the police, fire brigade and corporate/finance
7 sector.

8 **TUC Research shows that:**

- 9 • More than half (52 per cent) of all women polled had experienced some form of
10 sexual harassment.
- 11 • Nearly one third (32 per cent) of young workers responding had experienced sexual
12 harassment in the workplace.
- 13 • 7 out of 10 disabled women had experienced sexual harassment in the workplace.
- 14 • 2 in 3 LGBT workers experience sexual harassment in the workplace, with 1 in 8 LBT
15 women experience serious sexual assault or rape at work.
- 16 • 4 out of 5 women did not report the sexual harassment to their employer.

17 In 2014 and 2021 TSSA commissioned Hazel Conley, Professor of HR Management at the
18 University of West of England (UWE), to undertake two surveys of TSSA members. The first
19 surveyed 1054 women and the second 2297.

20 A full analysis of the data collected in 2021 is yet to be undertaken. However, a comparison
21 of the results reveals that gender-based discrimination and harassment increased in the
22 seven years between the two surveys. The number of women “personally experiencing
23 discrimination at work” increased from just under a third (31.4%) to nearly two fifths
24 (38.1%). At the same time there had been an almost 6%¹ increase in women finding
25 themselves the subject of bullying or harassment. 40.8% of women also reported that they
26 had “witnessed others experiencing gender-based discrimination”, an increase from the
27 33.1% in 2014.²

28 As a consequence of increased levels of gender-based discrimination and harassment, more
29 women confirmed that they were having to make complaints. Well over a third (37.7%) of
30 women taking part in the 2021 survey said they have had to complain, up from a fifth
31 (21.2%) in 2014.

32 The transport sector has been identified as a site where violence is perpetrated against both
33 transport users and transport workers. Violence takes many forms, from large scale terrorist
34 attacks to microaggressions on crowded public transport where a large concentration of
35 people, often in a rush and under stressful conditions, brings out the worst in human
36 nature. (Conley et al, 2014)

¹ Increase from 25.7 to 30.4%

² Women, Work and Transport

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37 The British Transport Police Authority Annual Report 2023 states that 2022-23 saw a 25%
38 increase in recorded violent crimes against women and girls, a 99% increase in crimes
39 involving sexual harassment and a 2% increase in sexual violence.³

40 BTP states that some of this may be due to an increase in reporting. BTP launched its 'Speak
41 Up, Interrupt Campaign' (which encourages bystanders/witnesses to report incidents),
42 delivered enhanced training for officers and the Priority Crime Task Force focused their
43 proactive patrols on locating sexual offenders. However, the levels of violence towards
44 women and girls on transport are shocking.

45 The workforce in the rail sector in Britain is largely male-dominated, gender-segregated and
46 ethnically diverse. There have been significant gender and race equality issues in the sector
47 that have resulted in a number of high-profile legal cases over issues such as discriminatory
48 promotion requirements, equal pay and the entitlement of same-sex partners to benefits,
49 and indirect discrimination in relation to working time and victimisation. Most of these cases
50 highlight that, in common with other male-dominated sectors, women are vulnerable to
51 intersectional discrimination. (Conley et al, 2014)

52 The concept of intersectionality was developed to understand how multiple categories of
53 inequality interact to produce distinct experiences that cannot be captured by examining
54 gender, race or other social categories separately.

55 Academic research has highlighted that gender-based bullying occurs where women move
56 into occupational roles traditionally held by men, and others have found that sexual
57 harassment can be a way of signalling that women are unwelcome in male environments.

58 It can also be argued that sexual harassment and bullying for working women it is often
59 related to lower paid, lower status and insecure jobs, which can also affect immigrant
60 workers or people from minority ethnic groups⁴. This raises the possibility of intersectional
61 bullying and harassment where workers share more than one protected characteristic.
62 Some research suggests that occupational class differentiates experiences of sexual
63 harassment, with harassment more common for those who are in front-line, operational or
64 customer-facing roles than those in professional, office-based jobs. Lesbian and bisexual
65 sexuality can represent either a separate or an additional ground for harassment of women
66 in male-dominated work, as can a Trans+ identity.

67 Trades Union Congress (TUC) research has shown that sexual harassment is more prevalent
68 for younger women, women with disabilities, those from minority ethnic groups, from the
69 LGBT community and those in precarious work. (TUC, 2016, 2018, 2019).

³ Violent crimes against women and girls increased from 7,561 in 2021/22 to 9,438 in 2022/23. Crimes involving sexual harassment increased from 873 in 2021/22 to 1,736 in 2022/23. Sexual offences increased from 2,235 in 2021/22 to 2,285 in 2022/23. harassment and a 2% increase in sexual offences.

⁴ The term minority ethnic group follows RDU guidance and refers only to the population of UK and Ireland, recognising that these diverse ethnic groups make up the global majority.

70 One of the key findings of TSSA's 2014 survey was that members in the rail sector
71 experienced high rates of bullying and harassment, with one in five respondents saying they
72 had been bullied. Significantly, amongst women, minority ethnic groups and disabled
73 respondents in our survey, approaching one in three of each group reported that they had
74 experienced bullying or harassment in the workplace. Further analysis of this data shows
75 that bullying in the rail sector is significantly impacted by gender, race and ethnicity, age and
76 disability.

77 However, the British legal system has not adopted principles of intersectionality in relation
78 to discrimination. In practice this means that the law does not offer protection from the
79 combined impact of social or protected characteristics. For example, older, black women
80 who were most likely to report suffering from bullying and harassment in the TSSA survey
81 would struggle to be adequately protected by the Equality Act 2010.

82 Until this is rectified, in the absence of legal protection, trade unions and employers have an
83 added responsibility to carefully devise methods that can adequately identify intersectional
84 disadvantage and to take proactive measures to protect the workers it affects.

85 TSSA is currently compiling a comprehensive log of policies covering sexual harassment in
86 the companies where we represent members. Network Rail – sexual harassment policy and
87 outcomes so that we can assess their suitability and address shortfalls in good policy and
88 practice.

89 Further work on the TSSA model non-core pay claim to reference sexual harassment and
90 other forms of bullying and harassment is required, as is the drafting of a model sexual
91 harassment and bullying and harassment policy. These should be core items of our collective
92 bargaining with employers.

93 The publication of the Kennedy and Conley Reports, which have been observed by
94 employers and members alike, means that TSSA must act to proactively develop and
95 promote good practices and policies internally and with employers. As a trade union that
96 represents management and senior management grades we can achieve change and
97 influence not only through collective bargaining, but by educating and supporting our
98 members, some of whom are in positions to decide, influence and implement policies in
99 workplaces. A Bullying and Harassment Community Practice could provide an opportunity
100 for HR and other professionals and interested members to engage in discussion and share
101 knowledge on such matters.

102 In 2021 TSSA's Network Rail team took a lead in addressing sexual harassment in the
103 workplace, proposing that the employer negotiate a specific Sexual Harassment Policy. The
104 employer did not agree to do this, instead developing a revised bullying and harassment
105 policy with the involvement of the trade unions, key stakeholders and their Equity, Diversity and
106 Inclusion team. This policy includes explicit examples for each protected characteristic,
107 examples of sexual harassment; and guidance for reporting and providing support. Network Rail
108 also committed to:

- 109
- 110 1. Create a specific 'Everyone Matters' guide on sexual harassment, positioned to support
111 colleagues and give practical guidance to line managers and colleagues.

- 112 2. Work with the RDG Vulnerability and Safeguarding team on the project on Unwanted
113 Sexual Behaviour and Women’s Safety. The outcome of this is likely to be that Network
114 Rail will run an internal awareness campaign on sexual harassment, promoting our
115 guidance, and re-running sessions on how to challenge, aligned with our White Ribbon
116 status, a campaign to eradicate violence against women; and
117 3. Promote the updated policy and new guidance and to collaborate with Trade Unions,
118 Employee Networks, HR Operations and Communications on a wider bullying and
119 harassment campaign, to increase awareness about the subject, the policy/guidance and
120 how we can better support all our people.

121 Going forwards TSSA must share examples of good practice and prioritise actions, materials
122 and campaigns to that enable our Organisers, reps and members to make similar progress
123 across all of the employers where we have members.

124 **Recommendations:**

- 125 • Deliver annual sexual harassment training that takes into account its intersectional
126 nature for TSSA staff and senior representatives.
- 127 • Deliver annual bullying and harassment training that takes into account of all forms
128 of discrimination on the basis of protected characteristics for all TSSA staff and
129 senior representatives.
- 130 • Develop and deliver equivalent training courses for TSSA lay representatives, to be
131 launched in 2024.
- 132 • Collate and maintain a record of all TSSA employers’ bullying and harassment and
133 EDI related policies.
- 134 • Review and revise the TSSA non-core bargaining claim to include specific reference
135 to sexual harassment, and harassment on the basis of protected characteristics,
136 taking into account the intersectional nature of sexual harassment.
- 137 • Review and revise the template TSSA sexual harassment policy and develop
138 accompanying guidance, taking into account the intersectional nature of harassment
139 and bullying.
- 140 • Make resources available to reps and members as part of a wider campaign against
141 sexual harassment and other forms of harassment and bullying.
- 142 • Commission the writing of a report based upon a full analysis of the results of the
143 2021 survey conducted by Hazel Conley.
- 144 • Support the work of TSSA SOGs in engaging with members regarding sexual and
145 other forms of bullying and harassment based upon protected characteristics.
- 146 • Develop a Bullying and Harassment Community of Practice.