

# Lessons for business from the #metoo headlines

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**Following the allegations of sexual misconduct against Harvey Weinstein and other leading figures, businesses need to make sure they have clear policies to inspire the right culture in their workplace.**

The initial revelations about the Hollywood mogul inspired many others to take the arguably brave step to share their experiences of sexual abuse and harassment, millions of posts and tweets using the hashtag #metoo have been posted to social media.

That response was also reflected in [figures](#) from a ComRes poll on behalf of the BBC, which showed that more than half of all British women, and a fifth of all men, had experienced some form of sexual harassment in their place of work or study.

Such harassment comes in many forms, but includes any unwelcome sexual advances, whether by touching, standing too close, asking for sexual favours, or displaying offensive materials. Employees are protected in the workplace by the [Equality Act 2010](#), which makes it unlawful for an employer to allow any job applicant or employee to be subject to any harassment related to sex or of a sexual nature.

The research commissioned by the BBC showed that many who had suffered sexual harassment at work could not face the process of reporting an incident. Of those who said they had been harassed, 63% of women and 79% of men said they did not report it to anyone.

Employment lawyer Karen Cole said:

*“Many employees will not report incidents because they’re embarrassed or ashamed, or may feel they will not be believed, as it is usually one person’s word against another. Any complaint must be brought within*

*three months and the individual must be prepared to prove the conduct was ‘unwanted’.*

*This makes it difficult, as there are often circumstances where those being harassed may feel a passive position is the safest way to handle the situation, so the other party may argue it was mutual. Similarly, different people may have different ideas of what is acceptable; someone might think it’s ok to make racy jokes or engage flirtatious behaviour, where the other may find it offensive or humiliating.”*

Resources published by the [Equality and Human Rights Commission](#) and conciliation service, [ACAS](#), recommend that every business has a written policy, setting out how harassment at work is unlawful and making sure all staff understand that such behaviour will not be tolerated and may be treated as a disciplinary offence. Examples of what constitutes unacceptable behaviour may help people understand the boundaries, particularly if they are relying on what may have seemed acceptable in previous years, together with guidance to staff on how to respond and deal with such behaviour. Then, most importantly, a clear process for what steps the organisation will take if anyone feels they have been subject to any form of harassment, including a safe environment for reporting and handling any complaints.

Karen added:

*“However large or small the company, top of the agenda should be a focus on the best possible attitude towards equality and diversity in the workplace. With research such as the BBC’s showing that it is usually a junior member of staff experiencing the harassment, management should lead the way in demonstrating that everyone, from the top down, has zero tolerance to inappropriate behaviour. Staff should be confident they*

*can report any concerns, knowing they will be heard in a supportive, positive way.”*

For further information on any harassment issue, or indeed any other employment issue, call [Karen Cole](#).

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

