Standards, Procedures and Public Appointments Committee

Inquiry into sexual harassment and inappropriate conduct at the Scottish Parliament

Written submission from PCS

1. PCS represents around 185,000 members in the civil service and related agencies, bodies and contractors. In Scotland, overall, we have over 24,000 members, including 8000 in the Scottish Sector (under the remit of the Scottish Parliament).

2. Whilst PCS represent staff working in the Parliament, we also represent workers who will come into regular contact with MSPs and MSP staff in the Scottish Government and other NDPBs.

3. Our comments on current practice in this submission relate to the experience PCS has as a union within the Parliament, although that comes with a caveat in terms of the low number of sexual harassment complaints we have dealt with as a union in this workplace. This does not mean that sexual harassment is not taking place in the Parliament, but that reporting is not commonplace.

Current Practice

4. PCS, along with our sister unions Prospect and the FDA, are consulted on the creation and development of HR policies. The ‘staff handbook’, where policies and procedures are laid out, is currently under review. The unions will be consulted before changes are made.

5. There is an ongoing survey of all workers within the parliament, which has a closing date of 19th January. At the time of the submission of this paper, the analysis was not yet available so we cannot comment in writing on its findings.

6. PCS were informed of the intention to conduct a survey almost immediately after the reports in the press in 2017, and were also consulted on the questions which would be included.

7. In terms of formal representation, PCS has only handled one sexual harassment case in the last five years which was resolved formally. However, we have emphasised with SPCB HR colleagues that this does not mean that other incidents have not taken place, but that reporting may be an issue.

8. PCS welcome the establishment of the harassment helpline, recognising that it was set-up in haste in response to the revelations of harassment allegations in the parliament and across wider society. However, this means that it has limitations and can only be considered a short-term solution.

9. PCS have some concerns that the helpline itself is only available during limited hours of the working week, when in reality working hours in the parliament span much broader than 9 – 5, including evenings and weekends. We also have concerns that
the helpline is run by parliament staff, as even with the caveats in place, it could mean that there are perceived barriers in terms of confidentiality and trust.

Union research on the scale of sexual harassment

10. We draw the TUC research, “Still just a bit of banter?” ¹ to the committee’s attention. The report demonstrates that sexual harassment affects more than half of all women. 1/3 of women have been subject to unwelcome jokes of a sexual nature, more than ¼ of women have been subject to comments of a sexual nature about their body or clothes. Nearly ¼ of women have experienced unwanted touching (such as hand on the lower back). One fifth of women have experienced unwanted sexual advances.

11. The research points out that it is important to note that a perpetrator’s claim that a comment or action was meant in jest or as a compliment is not a reasonable defence in a sexual harassment case, though it is often used. Nor does the harassment have to be directed at the person complaining about it. For example, sexual comments directed at others may create a degrading, intimidating or hostile working environment for workers even if they are not intended as the object of the comments.

12. The case may be worse for some groups of women, from the TUC research, 68% of women aged 18 – 24 had experienced some form of sexual harassment compared to an average of 53% amongst women of all ages. There may also be greater impacts on BME (Black and Minority Ethnic) and LGBT (Lesbian, Gay, Bisexual and Transgender) women.

13. The impact of harassment can be wide scale and life-changing, from affecting the ability of women to progress within their career or to contribute fully within the workplace, to women no longer feeling safe in their working environment.

14. Women are more likely to experience sexual harassment than men. Eurofound data² suggests that women are three times as likely to be subjected to harassment. However, the fact that men are less likely to experience sexual harassment may exacerbate feelings of shame or embarrassment when it does happen.

Barriers to reporting

15. The context of sexual harassment as an ongoing experience for women throughout their lifetime should not be overlooked as barrier to why incidents are not reported or even seen as significant to those who experience them.

16. A wide scale European study carried out by the EU Agency for Fundamental Rights³ in 2014 found that an estimated 83 million to 102 million women (45 per cent to 55 per cent of women) in the EU have experienced sexual harassment since the age of 15. This means that many women at some point in their life have been harassed.

³ EU Agency for Fundamental Rights (2014) op. cit.
17. The 2016 TUC research shows that only 1% of those who experienced sexual harassment reported it to their union, and only one in five reported the sexual harassment to their employer.

18. The small percentage of harassment cases reported to unions is not unexpected, as union coverage in the majority of workplaces is low. It is a matter of concern to all trade unions that workers do not see their union as a place to go to for help.

19. The TUC report makes a very important point on how power can contribute to an enabling culture within organisations “As is the case in other types of violence against women, sexual harassment is inextricably linked with power. Whether the perpetrator is abusing a position of power by harassing someone they see as less powerful, or whether the perpetrator feels powerless and is using sexual harassment as a means to disempower the target of their harassment and thus increase their own power and status in the workplace.”

20. The TUC research found that one in five said they were too embarrassed to report it. Fifteen per cent feared a negative impact on their career if they reported it. Twelve per cent of women said they did not know how to report the unwanted behaviour and just under one in ten women said they were unaware that they could report it.

21. Within the Parliament, the culture of close working between politicians, staff and MSP aides adds sensitivities for those who want to call out inappropriate behaviour. The fear of impacting on the individual’s career or reputation is likely to be more of a factor in this kind of environment.

22. PCS believes that the long hours culture, with evening and weekend, may add to isolation for staff who are working to the demands of their immediate superiors or politicians. They may become encouraged to be remote from the usual policies and procedures of the employer as a result, so when inappropriate behaviour takes place they do not feel confident in reporting it.

**Changes**

23. PCS note the positive action that the SPCB have begun to initiate. However, this can only be seen as the start of longer-term investment into affecting a change in culture and practice within the parliament.

24. At present, there is a lack of robust data on the prevalence of sexual harassment and views from those working in the parliament. Until recent public events, there was most likely the view that the issue has gone away.

25. PCS call for more regular monitoring and surveying of all staff and employees, done in conjunction with the trade unions.

26. Every employer should aim to have clear policies, and be seen to implement and enforce policies. Zero tolerance to sexual harassment should be absolutely clear to anyone who comes into contact with the parliament.
27. The SPCB should aim to have independent support offered to staff, rather than an in-house managed helpline.

28. Though the helpline staff can currently signpost callers to the Employer Assistance Provider (EAP) for counselling, the type or period of help may be quite limited. PCS would like to see this provision extended, to allow staff to access unlimited counselling beyond the usual six sessions. There may also be additional services that can be offered outside of the current EAP contract.

29. Mandatory facilitator led training for staff and politicians should be provided in addition to mandatory unconscious bias training.

30. The employer could consider establishing collective safe spaces for staff, facilitated by trade unions who have some expertise in equality networks.

31. PCS would like to work further with the SPCB to consider ways to encourage workers to report harassment and seek appropriate help from their union as well as the employer.

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ON BEHALF OF THE PCS UNION
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