Standards, Procedures and Public Appointments Committee

Inquiry into sexual harassment and inappropriate conduct at the Scottish Parliament

Written submission from Prospect

[The questions below are based on the call for evidence. It is not mandatory to include text for each question or for the questions only, so please delete/add as appropriate]

1. What are the key principles and essential elements of a reporting, investigation and sanctions framework for use by the Scottish Parliament to deal with sexual harassment and inappropriate conduct that would inspire confidence in those engaging with the process and the public in general?

Any Framework must make explicitly clear that a zero tolerance approach to all forms of sexual harassment is taken and that all complaints will be taken seriously and treated in confidence.

Definitions and examples should be given, e.g. physical, verbal and non-verbal, whilst expressly stating that examples are not an exhaustive list and any conduct of a sexual nature that is unwanted and unwelcome is sexual harassment. It should be made clear that perception of the victim is important rather than intent of the harasser.

Recognition that women and men can be victims of sexual harassment.

Reference to the dynamic of power within unequal working relationships and recognition that this can manifest itself in sexual harassment, and this must be addressed through the approach of the framework.

A specific and separate complaints procedure to deal and respond to sexual harassment complaints that can adapt to the special circumstances of sexual harassment allegations and allow the employer to respond better to the needs of the victim. Linked to this specific training on the nature of sexual harassment for individuals who will deal with these complaints.

The specific sexual harassment complaints procedure should allow for different ways of resolving issues e.g. multiple avenues for reporting issues or where appropriate a decision panel rather than one individual where for example gender balance in decision makers can be addressed.

If the complaint is upheld, appropriate consultation with the victim on how the outcome is managed and appropriate resolutions put in place.

Continual monitoring of the framework – collection of data and statistics but more importantly feedback and assessment from all staff, those involved in running the
processes and essentially victims. Reviewing the effectiveness of training, framework, policy and complaints procedures and follow-up actions.

A specific policy or framework to deal with sexual harassment of workers by customers, clients etc. and a recognition of the employers responsibilities in this context.

2. **What features of reporting and investigation frameworks can act as barriers to reporting and a lack of action on undesirable behaviours? Please provide examples.**

Over bureaucratic, inflexible or system driven processes – consistency is extremely important but a flexible approach to how that is achieved is key.

Multiple reporting options – limiting the avenues for reporting issues will seriously limit the ability of the victim to use the procedures.

Lack of victim input into the process and outcomes – allowing some level of voice in how issues are tackled and what are appropriate actions is essential.

Inconsistent messages, behaviours, responses from leaders within the organisation – strong, consistent, serious commitments to the zero-tolerance approach essential.

3. **How can positive changes to workplace culture be achieved that lessen the prevalence of sexual harassment? What examples of best practice are there from which the Scottish Parliament could learn?**

Ensure all are aware of the framework, policy and principles. Include awareness training as part of the induction process and ensure regular and consistent refreshers.

Specific training for managers in recognising and dealing with potential issues early and appropriately.

Specific sexual harassment training (nature of, and policy) for those individuals who are likely to deal with complaints, including staff representatives.

Provision of separate access to counsellor services, with enhanced training provided to deliver this service – ensure a choice for the victim of counsellor, external if necessary.

Encourage trade union membership – unionised workplaces are safer workplaces. Support and encourage union training initiatives for representatives and their members – delivering an additional support mechanism within the workplace.

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