

**Scottish Women's Convention Response to:
The Standards, Procedures and Public Appointments Committee
"Inquiry into Sexual Harassment and Inappropriate Conduct at the Scottish Parliament"**

January 2018

The Consultation:

The Standards, Procedures and Public Appointments Committee is holding an inquiry into sexual harassment and inappropriate conduct at the Scottish Parliament.

Introduction:

Sexual harassment is a pervasive problem that is endemic within a wider societal narrative of gender inequality. The Scottish Parliament has a unique chance to implement robust procedures in regards to the working environment and influence workplaces across Scotland. Sexual harassment in the workplace cannot, however, be looked upon in a vacuum. All appropriate endeavours that strive to ensure women are not harassed within the Parliament must be considered within the context of inappropriate conduct that is targeted at women frequently within their daily lives.

These behaviours are at their best looked upon as normal and at their worst as compliments. Women have voiced to the SWC the idea that sexual harassment is normalised and encouraged from a young age, with young girls taught to accept inappropriate conduct as an admission of their worth. It is shocking and saddening of our wider culture and society that sexual harassment inquiries have been triggered by the scandals that are only now coming to light.

Failure to act on these issues not only impedes women's economic and career development, but more fundamentally, is a blatant disregard for their health and wellbeing and a form of Violence against Women and Girls. If this continues, a huge concern voiced by many women is that this may stop many females participating in politics, leading to even less representation that at present at a political level.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues around sexual harassment and inappropriate conduct.

[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?](#)

The SWC recently held a conference on the topic of sexual harassment and have been hearing from women up and down the country through a variety of means including roadshows and online surveys on this issue. In creating an atmosphere in which victims feel unable to come forward or even terrified that this will happen in the first place, the Parliament will fail in its moral obligation to uphold gender equality; access to justice and democratic representation if the correct procedures are not put in place.

Sexual harassment fundamentally comes down to *“power and control”*. Women have told the SWC that harassment is essentially a misuse of this power asserted merely through the use of someone’s gender or from being in a position of power over the victim in terms of seniority within the workplace. Thus, women’s idea of harassment as stemming from an unequal distribution of power means it is essential to adapt any frameworks to this idea of inequality as an underlying factor in combatting these issues.

Any framework employed by any workplace, regardless of industry or sector, must fundamentally work to push for equality and setting a *“victim first”* approach, which encompasses protected characteristics underlined by the 2010 Equality Act. Given that these issues overwhelmingly affect women, all reporting of sexual harassment must begin to be worked upon strictly on the basis that the woman is telling the truth. At present, this is unfortunately not the case, and has led to severely detrimental impacts on women across Scotland as a result.

A major roadblock to the creation of implementation of effective procedures is detailing what specifically constitutes sexual harassment in guidelines. At our most recent SWC conference we asked women what sexual harassment means to them. An overwhelming response was *“anything that a woman personally regards as inappropriate behaviour”*. Whilst it is understandable that individually this will be unique for each individual, we believe that frameworks that incorporate this idea into it are essential. Many noted that this can mean different things depending on a variety of characteristics such as age, culture and background, for instance. Setting out clearly that it is what the victim regards as inappropriate and sufficient in order to report a complaint is, however, essential in ensuring victims come forward.

The Scottish Parliament is of course somewhat unique in terms of a “typical” workplace environment. Understanding what this means in order for sexual harassment and inappropriate conduct to thrive and go unreported, there are a number of problems that underpin this. In successfully rectifying these issues, it is hoped that the Parliament will have a *“trickledown effect”* on politics at a more local level, as well as workplaces across Scotland in general.

The Parliament contains a vast array of staff working for a number of different political parties as well as its own workforce. This means that a complete approach is necessary with frameworks that encompass all political parties considered in order that those having to undergo the process are safeguarded and put first.

Stringent guidelines published by the Parliament in relation to all political parties that must be adhered to are therefore essential. They must contain explicit reference to sexual harassment and inappropriate conduct with policies set out for all staff members, regardless of job title or position. This should include clear procedures in place for staff working for specific political parties and MSP's within the Parliament being aware that they are able to report through a third party in a safe way.

These guidelines should underline *“respect”* as a key priority within the workplace environment of the Parliament building and by extension, any dealings by staff out with but still engaging in a professional role, for instance, in constituency offices. This should include guidelines that cover definitions outlining that sexual harassment in the workplace can also be carried out by third parties such as constituents and others they may come into contact with within working hours and is not specifically just fellow employees.

Frameworks must also incorporate prevention agendas as well as strategies to ensure appropriate handling of any complaints. This should include analysis of why this has happened and aggravators such as race or other protected characteristics. This should also include induction training, as well as *“refresher”* training for all staff regardless of seniority that outline policies and procedures on sexual harassment.

Women have also spoken about workplaces like the Scottish Parliament which has an extremely high number of employees, having an independent female Sexual Misconduct Officer who can be contacted in order to raise complaints. Not only would this inspire confidence in women reporting, it would provide access to a safe space and ensures that guidelines and training will be implemented in the most effective way possible.

“Having someone their specifically to deal with this would make you feel that somebody is on your side.”

As well as issuing such guidelines, the Scottish Parliament must explicitly detail the underlying root causes of sexual harassment and inappropriate conduct. It is thought that in so doing, staff would recognise that the Parliament is aware of gender inequality and is promoting women's rights and access to justice. There is a fear and concern that when the current publicity on sexual harassment dies down that complaints will diminish and those accused will *“get off lightly”*. Therefore, female-specific terms must be incorporated. Guidelines should also include specific priorities around discrimination and victimisation of the complainant, as well as procedures to ensure no access to the individual making the complaint by the accused after an issue brought forward.

Other suggestions for measures to inspire confidence, not only in the process of reporting but ensuring that perpetrators are held accountable, have been made including legal obligations for men found guilty to have this detailed on their files and, in severe cases, on any references, as well as other specific sanctions laid out. This will bolster a preventative agenda and ensure women know perpetrators will be dealt with.

Clear guidelines and training must emphasise that those who commit sexual harassment cannot use *“banter”* as a defence, as it is not a tolerable excuse. At present, this can be a confusing area with many women voicing that they know of perpetrators who have been given merely a stern word for using this as a defence, and that being the end of it. It must be made

clear to all staff that this will not be tolerated at any time and such a form of supposed justification is unacceptable.

“We need zero tolerance based approaches with high standards of conduct.”

“We need to have honest accounting of facts.”

All elements that make up the reporting process must also conform to ensuring harassment over the likes of emails and social media are taken just as seriously as that in real life. Clearer guidelines around the treatment of female staff on social media is a must. The SWC has heard of the likes of MSP’s being abused in a gendered manner over social media platforms. This needs to change. Conduct by elected representatives and staff on these sites cannot be subject to different rules.

Many females have also noted the issue of delays after reporting incidents of this kind. Whilst it is, of course, standard for certain investigations to be timely in order to be as effective and robust as possible, this can lead to feelings of mistrust. Women have said that not being kept properly updated led to feeling that those investigating were merely trying to distance the problem. They felt that the more time had elapsed, the less likely it was to be seen as an issue.

Finally, stronger appeal processes specific to sexual harassment and inappropriate conduct must be taken into account. Many who are denied access to justice due to the reasons detailed here often do not take the decision to appeal because of feelings of intimidation or fear of job loss, with some even taking the option of quitting due to the impact it has had on their physical and mental health.

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

Women have voiced the need for frameworks not only outlining reporting and investigatory process in accessible terms, but also detailing the protections that will be enforced for any victim coming forward. Procedures must be put in place in order to ensure victims do not have to work with perpetrators whilst they are under investigation. Failure to do so only discourages women from speaking up out of fear of job termination, loss of promotional aspects or workplace bullying. There is a reason that so many women would rather stay silent than come forward and make perpetrators accountable. Unless every step is taken to ensure these women feel confident enough to come forward, sexual harassment and inappropriate conduct will continue.

“We have to go forward implementing that all reporting of this acknowledges that the woman is telling the truth, otherwise this will just keep happening.”

Furthermore, specific consideration of different cultures must be adhered to and all reporting and investigatory mechanisms must recognise this. For instance, a number of BME women discussed *“double discrimination”* where race as well as gender is an underlying factor in inappropriate conduct in the workplace. Not only is this essential in terms of sexual harassment, it is also vital for equality frameworks and encouraging more diverse representation as a whole across the workplace environment.

“If raising it, you think you won’t be believed or you will lose your job as a consequence of reporting because they’re more valuable than you are.”

Another significant reason that women have had not reporting these issues is that complaints are often investigated by men, for instance, raising a direct issue of a superior where the investigator is also male. Not only can this be uncomfortable for women in detailing what has happened to them, there is a genuine fear that they will not be believed or that the perpetrator will be sided with. Issues also arise as often the person investigating the complaint is likely to be on the same managerial level as the accused, leaving many feeling this creates an atmosphere where the investigator will be more empathetic to the perpetrator, whilst treating them like *“a silly little girl”*. Women have spoken of this happening to them in the past with no repercussions for the perpetrator, thus leading to them being victimised, bullied and even feeling forced out of their job.

“Men at the top is the problem, women can be the victim but when it escalates it’s to all men dealing with it.”

Additionally, many women have voiced concerns that reporting procedures can be *“confusing”* and *“muddled”*, with no explicit reference to harassment of a sexual nature, merely physical harassment or abuse, which covers a broad spectrum in very little detail. In order for any woman reporting to feel confident that she will be safeguarded throughout the process, it is necessary that sexual harassment is clearly noted, with guidelines laying out the reporting process to emphasise that this is taken extremely seriously.

Sexual harassment within the workplace can have an overwhelmingly adverse effect on a woman’s physical and mental health, with issues around fear of job loss or decrease in promotional aspects a key factor. There are issues specifically unique to Parliament. Because many of the staff within this environment work for specific parties they feel discouraged from reporting out of fear that it will damage that party’s reputation. This can be extremely intimidating and is a major factor in discouraging women to speak out.

Another unique aspect is the close relationship staffers may have with MSP’s due to working so closely together on a daily basis. Female staffers may feel reluctant to come forward about inappropriate behaviour out of loyalty or the risk of their boss facing penalties, putting their own job at risk. This includes fear of deselection, for instance, which may result in their own job loss. Victims often worry that they will be *“named and shamed”* for coming forward, severely negating the individual and the experience they have suffered, this is symptomatic of gender inequality across the broader spectrum.

[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?](#)

More awareness must be taken in regards to procedures, as outlined above. It is essential to embed these within staff contracts as well as employee handbooks.

Fundamentally, given issues around inequality, greater representation of women at all levels is an appropriate step in seeking to eliminate these types of behaviours. As this goes back to deep problems concerning unequal distribution of power, it is thought that having women in these positions will send out a message that inequality of any form will not be tolerated.

Whilst we applaud the Scottish Parliament for signing up to the 5050 by 2020 campaign, more must be done to encourage women into more senior roles and tackling sexual harassment within the work environment is conducive to this.

“We need more women in positions of power, that’s what it goes back to.”

As outlined above, the practice of training on these guidelines for all staff is extremely important in combatting sexual harassment. This, and the establishment of a separate officer is sorely needed to tackle these issues in order to bolster a preventative agenda, rather than one that merely seeks to fix the problem when it is brought to the public, such as is the case at present.

“We need to engage women.”

“We need experience-based solutions from women on the front line and women who have experienced this.”

Additionally, many women have voiced the idea that MSP’s, particularly men, must speak out more. Those in leadership capacities within the parliament must lead by example to embolden staff to speak out. As well as this, more discussions with men are necessary around ideas of respect and consent in a way that communicates that this issue is one that impacts across society as a whole.

“We need men to speak up.”

“Even when women tell a man “this isn’t fine”, they continue. This needs to change.”

Changes must be made at a practical level, not just in guidance. An environment in which staff are encouraged, not prevented, from speaking out about what has happened, must be created. Sexual harassment must be viewed by all employees as not only an individualised concern but as a dominant critical aspect of gender inequality at all levels throughout society. This must be recognised in order for strategic and cohesive frameworks to be identified and implemented appropriately.

In terms of political parties, explicit statements from all stating the expulsion of offenders, regardless of seniority level, should be encouraged by the Parliament. Additionally, all managerial staff should undergo training to ensure their response to a grievance is appropriate and does not *“brush it under the rug”*, with victims given the option of a number of staff they can go to with their complaint if they wish to put it forth this way.

Do you have any comments on how effective and clear the current arrangements are in the Scottish Parliament for reporting sexual harassment? Do you have any suggestions for changes to improve the current rules and procedures?

At present, complaints procedures against specific staff members could be improved. Whilst making a complaint to the Commissioner for Ethical Standards in Public Life is the current option, online reporting can be hard to navigate for some, as it is extremely difficult to do this with anonymity. Whilst it is understood that individuals will be protected as best as possible, this can be a significant barrier for women given the concerns outlined above. There is also the problem that many feel safer discussing an issue such as this, given its seriousness, face to face from the start in a comfortable and safe environment with another female.

Furthermore, raising a formal complaint specifically around sexual misconduct is not covered in the staff how to guide or the MSP code of conduct. This should be detailed, including procedures covering appropriate guidelines for MSP's and their staff when this behaviour is done by others during working hours, such as constituents. We would also therefore urge the Scottish Parliament to independently review all political parties' individual sexual harassment policies and encourage a cross party approach to this issue. This should include accessibility of guidance, procedures outlining both in person and online harassment and access to females for reporting as well as details of independent support staff and agencies to deal with these issues.

Recordings of all sexual harassment and inappropriate conduct must also be kept, detailing events, including third party reporting, the number of complaints raised against a specific individual and the frequency of these complaints. These could then be analysed on a routine basis by an independent body to ensure correct procedures are being adhered to.

Exit surveys from staff leaving jobs to include specific questions on sexual harassment and inappropriate conduct as well as timelines for dealing with complaints to be refreshed and updated were also given as suggestions for improvement to the current procedures.

Conclusion

The SWC welcomes and fully supports the introduction of this inquiry into sexual harassment and inappropriate conduct at the Scottish Parliament. All appropriate endeavours that strive to ensure women are not harassed within the Parliament must be looked upon in the context of inappropriate conduct that is targeted at women frequently within their daily lives.

Failure to act and put in place robust and effective frameworks that not only seek to prevent this occurring but also ensure successful processes for the victim are in place severely impedes women's equality at all levels.

For further information, please contact
The Scottish Women's Convention
Email –info@scottishwomensconvention.org
Telephone – 0141 339 4797

www.scottishwomensconvention.org

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to sexual harassment.

Scottish Women's Convention is a charitable company limited by guarantee. Registered in Scotland No. SC0327308. Registered office 2nd Floor, The Albany Centre, 44 Ashley Street, Glasgow G3 6DS

The Scottish Women's Convention is a Charity registered in Scotland No. SC039852.