

First Minister's National Advisory Council on Women and Girls Sexual Harassment - What we already know

Scottish Government

The below content sets out the Scottish Government's position on the topic of sexual harassment and also includes a 'state of the nation', prepared by the government's analytical department.

Scottish Government Policy Position

Sexual harassment or abuse of any form whether in the workplace, in the home or in society, is completely reprehensible and must stop. It is a form of gender based violence and we are committed to tackling it. Everyone has the right to work and live their life free of abuse, harassment and intimidation – the Scottish Government encourages anyone who has experienced this to report it. We know that Sexual Harassment is not a problem specific to any one institution. We must tackle the underlying attitudes and inequalities and the culture that perpetuates this behaviour. It is the responsibility of all society and for us as individuals to take action.

The Scottish Government, COSLA and key partners are implementing Equally Safe, Scotland's strategy to tackle all forms of violence against women and girls (VaWG) - working with stakeholders to prevent violence from occurring in the first place, building the capability and capacity of mainstream and specialist services to support survivors and those at risk, and strengthening the Justice response to victims and perpetrators. *We are investing around £11.8 million over 2018/19 from the Equalities Portfolio to support a range of projects and initiatives to tackle VaWG, as well as £20 million over 2015-18 from Justice budgets.* A specific action in the Equally Safe Delivery Plan published in November 2017 is to run a national sexual harassment campaign, and we are working with Rape Crisis Scotland to develop this. The aim of the campaign is to promote a clearer understanding of what constitutes sexual harassment and how to challenge it. Our broader prevention agenda, which seeks to raise awareness of gender based violence and ensure that this is embedded in schools through sexual violence prevention work and a pilot whole schools project, is also relevant. We have also committed to encouraging employers to adopt robust policies and procedures, and are working with Close the Gap to develop and pilot an Equally Safe accreditation scheme for employers. We also recently launched the Equally Safe in Higher Education Toolkit, and work is underway to roll this out to higher and further education institutions. In relation to tackling perpetrators, we have committed to considering the recommendations of Lord Bracadale's independent review of hate crime legislation, which includes consideration of gender issues.

Scottish Government Analytical Services – state of the nation

What is Sexual Harassment?

The Equality and Human Rights Commission describe sexual harassment as:

“unwanted conduct of a sexual nature, which is intended to, or has the effect of, violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them... Examples include unwelcome physical contact, sexual comments, promises in return for sexual favours and displaying sexually graphic pictures.”¹

Scottish survey data on stalking and harassment

The Scottish Crime and Justice Survey contains a self-completion module around stalking and harassment. Results from 2016/17 haven’t been published yet, so these results refer to 2014/15².

How the Scottish Crime and Justice Survey defines stalking and harassment

“The terms 'stalking' and 'harassment' are often used interchangeably (Morris et al., 2002), and taken together, usually refer to intentional repetitive behaviours that cause fear, upset and annoyance to the victim. (Morris et al. 2002).”

Respondents are asked if they have experienced any of the following 6 types of incidents.

- Being sent unwanted letters or cards on a number of occasions that were either obscene or threatening
- Being sent unwanted emails or text messages on a number of occasions that were either obscene or threatening
- Receiving a number of unwanted approaches via social networking sites that were either obscene or threatening
- Receiving a number of obscene, threatening, nuisance or silent telephone calls
- Having someone waiting outside their home or workplace on more than one occasion
- Being followed around and watched on more than one occasion

Scottish Crime and Justice Survey Findings 2014/15

¹ Equality and Human Rights Commission (EHRC) (2018) p3 “Turning the Tables Ending Sexual Harassment at work <https://www.equalityhumanrights.com/sites/default/files/ending-sexual-harassment-at-work.pdf>

² SJS Sexual Victimisation and Stalking Report (May 2016)
<http://www.gov.scot/Publications/2016/05/6129/328514>

- Overall, 6.4% of adults experienced **at least one** type of stalking and harassment in the last 12 months, and 1.7% experienced **more than one** type.
- The most common types of stalking and harassment involved indirect contact. Amongst those who had experienced stalking and harassment in the last 12 months, 45.0% had received unwanted emails and texts, 32.7% received silent, threatening or unwanted phone calls, and 21.9% were subject to obscene or threatening online contact.
- The survey found **no** statistically significant difference between the proportion of women and men who experienced at least one type of stalking and harassment (at 6.8% and 5.9% respectively)
- Young people, particularly young women, experienced a higher than average level of stalking and harassment. Around one-in-ten (9.7%) 16 to 24 year olds had experienced at least one type of stalking and harassment in the last 12 months. This figure increased to 12.7% for 16 to 24 year old women.
- More than half (54.9%) of those who experienced at least one form of stalking and harassment in the last 12 months knew the offender in some way, whilst 15% said the offender was their partner. Nearly a third (31%) did not know the offender at all

Scottish survey data on harassment more widely

Scottish surveys provide some information on the proportion of people who have experienced harassment. However it should be noted that ***these relate to harassment more widely and not necessarily sexual harassment***. Respondents who report experiencing harassment are asked why they think they were harassed, and their gender is one of the reasons that they give.

The Scottish Crime and Justice Survey asks about experience of harassment – “whether they had experienced any incidents in which they were insulted, pestered or intimidated in any way (in person or some other means) by someone outwith their household in the year prior to interview”

In 2016/17³ 14% of adults reported harassment, up significantly from 9% in 2014/15 but similar to the proportion of respondents who were victims of such incidents in 2008/09 (14%). 12% of males and 15% of females reported experiencing harassment in 2016/17, however this difference is not statistically significant, meaning that the Scottish Crime and Justice Survey does not detect a difference in levels of harassment between men and women. 9% of those who experienced harassment reported that it took the form of being stalked by someone.

Of the 190 people who reported harassment, 12% thought that their gender, gender identity or perception of this was a possible motivating factor – the most commonly

³ <http://www.gov.scot/Resource/0053/00533870.pdf>

suggested influence. More than half of harassment victims in 2016/17 (57%) did not think any of their characteristics were an influencing factor in their encounters.

In 2014/15⁴, 10% of women and 8% of men had experienced harassment. Overall 6% of those who had been harassed thought it was because of their gender/gender identity, 9% of women who had been harassed thought their gender/gender identity was a possible motivating factor, compared with 2% of men who had been harassed, thinking their gender was the motivation.

The Scottish Household Survey⁵ found that in 2016, just over one in 20 adults (6%) reported that they had experienced harassment in Scotland at some point over the last three years. The figure was 6% for males and 7% for females.

Respondents were asked what they thought had motivated the harassment, 13% thought that their gender was the reason for the harassment.

The experience of young women and girls - British data on Sexual harassment from Girl Guiding Attitude Survey 2015⁶ and 2017⁷

- In 2015, three quarters of girls and young women say anxiety about potentially experiencing sexual harassment affects their lives in some way (75%). Half of 11- to 21-year-olds say that their choice of what to wear is linked to worry about sexual harassment (51%), that their body confidence is affected by this (49%), or to a lesser extent, that their confidence in general is influenced by it (37%).
- In 2017, 54% of girls aged 11-21 have come across unwanted violent and/or graphic images or videos online that made them feel upset or disturbed. The figure was just under half (48%) for younger girls aged 11-16 and 62% for older girls aged 17-21
- In 2017, girls aged 13-21 were asked if they had experienced any of the following 6 types of behaviour over the past year
 - Jokes or taunts of a sexual nature (41%)
 - Sexist comments on social media (36%)
 - Seeing obscene graffiti about girls or women (22%)
 - Seeing unwanted sexually explicit pictures or videos (24%)
 - Unwanted touching (19%)
 - Frequent unwanted attention (19%)
- Nearly two thirds (64%) said that they had experienced any of these types of behaviour, whilst 28% said they had experienced none of these.
- The most commonly experienced was jokes or taunts of a sexual nature (41%)

⁴ <http://www.gov.scot/Resource/0049/00496532.pdf>

⁵ <http://www.gov.scot/Resource/0052/00525075.pdf>

⁶ Girl guiding 2015 Girls' Attitude Survey <https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2015.pdf>

⁷ Girl guiding 2017 Girls' Attitude Survey <https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2017.pdf> 1,906 girls and young women aged between 7 and 21 took part in the survey from across the UK, from both inside and outside Girlguiding (Scottish sample 237).

- Those experiencing sexist comments on social media (36%) had increased the most since 2014, when it was 15%
- In 2017, in the week before the survey, 39% of girls (age 11-21) had seen or experienced girls having their bra strap pulled by boys, and 27% had seen or experienced girls' skirts being pulled up by boys at school
- Over half (59%) of girls aged 11-21 said they felt confident to challenge sexual harassment at school when they see it

Sexual harassment in the workplace (UK level)

The Equality and Human Rights Commission⁸ asked for evidence from individuals who had experienced sexual harassment at work. 750 individuals responded to an online survey in December 2017. The aim of the survey was **not to describe the scale of the problem**, but to hear a wide range of experiences and use those to make recommendations for potential improvements.

The Equality and Human Rights Commission found that nearly all of the people who had been sexually harassed were women. Men were more likely to say that they had witnessed sexual harassment or supported a colleague affected.

“While sexual harassment can be perpetrated by both men and women, we know that women are most often the targets. Harassment in the workplace reflects power imbalances based on gender and is part of a spectrum of disrespect and inequality that women face in everyday life.” (p3)

The most common perpetrators of harassment were senior colleagues, where there is a power imbalance between the perpetrator and the victim. Many respondents believed that the behaviour of senior colleagues was not challenged by Human Resources departments or other colleagues due to their senior position.

In around a quarter of cases people reported being harassed by customers, clients or service users. Many who reported being harassed by customers worked in hospitality. It was felt that this type of harassment was dealt with particularly poorly, and often viewed as a “normal” part of the job, that staff were expected to put up with.

Around half of those who responded to the EHRC survey had not reported their experience of harassment to anyone in the workplace. They identified a number of barriers to reporting, including:

- A feeling that there was no point as the issue was not taken seriously in their organisation

⁸ EHRC (2018) “Turning the Tables Ending Sexual Harassment at work”
<https://www.equalityhumanrights.com/sites/default/files/ending-sexual-harassment-at-work.pdf>

- A belief that the perpetrators would be protected, especially if they were senior staff
- A fear of victimisation, including the fear of losing their job
- A lack of appropriate reporting procedures
- Inexperienced or unsupportive managers
- An attitude in their organisation that sexual harassment was a problem that the individual, rather than the employer had to deal with

Amongst those who did report the harassment, around half said that their employer took no action as a result. Respondents described:

- Employers trying to minimise their complaint or silence them
- Being labelled as “trouble makers”
- Not being taken seriously, with incidents being dismissed as “a bit of fun” or “boys being boys”
- Being told it was their responsibility to avoid contact with the perpetrator
- A number of females were blamed for “encouraging” the harassment, through their clothes or behaviour

Some respondents reported negative consequences to reporting sexual harassment, including:

- Being threatened that their career could be damaged
- Losing their jobs
- Being blamed for their harassment
- Feeling punished, as they were the one who had to move roles, whilst the perpetrator remained where he was.
- Negative impacts to their physical and mental health as a result of the way their complaint was handled.

Most respondents said the response from managers and Human Resources departments had been unhelpful.

When asked for recommendations for change a number of individuals highlighted the need to change workplace cultures which minimise and normalise sexual harassment, and discourage reporting.

The Equality and Human Rights Commission also contacted large employers to ask about their procedures relating to sexual harassment policies and practice. They received 234 responses from employers and found that there was inconsistent practice. Often harassment was covered within a wider policy such as a diversity and inclusion policy, which might make minimal reference to sexual harassment.

One of the recommendations made by the Equality and Human Rights Commission is that the UK government should collect data from individuals across England,

Scotland and Wales every three years to determine the prevalence and nature of sexual harassment at work.

Gender discrimination at work

A 2014 survey on gender equality carried out by the UK government⁹ found:

- Three quarters of women (74% compared with 56% of men) believe that sexism is still a problem in many work places
- Women were more likely than men to have experienced sexism in the workplace (16% compared with 10% citing a boss, and 18% compared with 12% citing colleagues).

The Girl guiding 2015 Girls' Attitude Survey of girls and young women¹⁰ found:

- Two in five young women (17-21) feel under pressure to stay slim in order to have a better chance at job interviews (44%), while one in four feel they have to wear high heels (27%) or wear a lot of make-up (25%) to help their chances.

Sexual harassment in Further and Higher Education Institutions (Scotland – specific institutions)

The University of Strathclyde carried out a rapid review of literature on Scottish Higher Education Institutes responses to gender based violence, as part of their Equally Safe in Higher Education Programme.

They reported the following:

In 2014, a report by Edinburgh University Students' Association, based on a research survey on Student's Experiences of Sexual Harassment in Edinburgh with 781 students, found that nearly one in three Edinburgh University students have experienced sexual harassment during their time at University.¹¹

⁹ "Attitudes towards Equality" (2014 survey by UK Govt – Department for Media Culture and Sport" to examine attitudes to gender equality at work and different working patterns <https://www.gov.uk/government/publications/attitudes-towards-equality> A YouGov survey conducted online with a representative sample of 2,352 members. The sample was aged 18+ living in Great Britain. Fieldwork was undertaken between 14-17 March 2014.

¹⁰ Girl guiding 2015 Girls' Attitude Survey <https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2015.pdf>

¹¹ Nearly a third of Edinburgh University students have experienced sexual harassment, survey finds', The Independent, 1st May 2014, www.independent.co.uk/student/news/nearly-a-third-of-edinburgh-university-students-have-experienced-sexual-harassment-survey-finds-9305482.html in McCullough, A., McCarry, M. and Donaldson, A. (2017) Rapid Review of Scottish Higher Education Responses to Gender Based Violence, Equally Safe in Higher Education project report, Glasgow: University of Strathclyde.

A small-scale survey of 131 students, carried out by the University of Glasgow's Isabella Elder Feminist Society in 2015 on Student's Views of Sexism and Sexist Behaviours also found that 34% of students had experienced sexual harassment while at University, with 63% of the victim/survivors saying that they did not feel able to report the harassment to a person in a position of responsibility.¹²

Sexual harassment in Further and Higher Education Institutions (UK level)

The National Union of Students carried out a national¹³ online survey with 2,058 women students between August 2009 and March 2010, to find out about their experiences of harassment, stalking, violence and sexual assault.¹⁴ They found female students reported experiences of a range of unwanted behaviour during their time as a student, ranging from 'everyday' verbal and non-verbal harassment, to serious episodes of stalking, physical and sexual assault.:

- Over two thirds of respondents (68%) have experienced some kind of verbal or non-verbal harassment in and around their institution. This kind of behaviour – which includes groping, flashing and unwanted sexual comments – has become almost 'everyday' for some women students.
 - 65% reported experiencing one or more types of verbal harassment (including sexual comments; making sexual noises and wolf-whistling; being asked questions about their sex life or sexuality)
 - 34% reported experiencing one or more types of physical harassment (including being flashed; groped; and having their skirt lifted in public)
- 12% of respondents reported being subject to stalking.

Levels of reporting these incidents (to the institution or to police) were low. The most popular reasons for not reporting, was that women did not feel the incident was serious enough.

In 2012 the National Union of Students commissioned further research¹⁵ to investigate the "lad's culture" in British Universities. This research consisted of a literature review and a qualitative research (Interviews and focus groups) with 40 female students. Again stories of misogynist jokes, banter, harassment and sexual

[https://www.strath.ac.uk/media/1newwebsite/departmentsubject/socialwork/documents/Rapid_Review_of_SHEI_Responses_to_GBV_\(April_2017\)Final.pdf](https://www.strath.ac.uk/media/1newwebsite/departmentsubject/socialwork/documents/Rapid_Review_of_SHEI_Responses_to_GBV_(April_2017)Final.pdf)

¹² Extent of Sexism Revealed at Glasgow University', Glasgow Guardian, 13th April 2016, glasgowguardian.co.uk/2016/04/13/extent-of-sexism-revealed-at-glasgow-university/

¹³ 5% of respondents were studying in Scotland

¹⁴ Hidden Marks - A study of women students' experiences of harassment, stalking, violence and sexual assault

https://www.nus.org.uk/Global/NUS_hidden_marks_report_2nd_edition_web.pdf

¹⁵ That's what she said Women students' experiences of 'lad culture' in higher education, University of Sussex

<https://www.nus.org.uk/Global/Campaigns/That%27s%20what%20she%20said%20full%20report%20Final%20web.pdf>

molestation were commonly reported by participants, who felt unsure of how to challenge these or where to go for help.

Qualitative results from a survey of Scottish women on Actions to tackle gender inequality in Scotland (May 2017)

In May 2017, 1279 women aged 16+ in Scotland took part in a survey which asked them about what would make life better for women and girls in Scotland. Four hundred and forty-one women provided answers to the open question *“Please tell us if there's anything else you think would be particularly important to improve the lives of women and girls in Scotland.”*

Sixteen of the comments received related to “stopping the “normalisation” of innuendo / “banter”, sexual harassment / assault/victim blaming culture”.

A recurring theme was that what men might consider to be acceptable “banter” is often not acceptable to women, and there needs to be more information, education and training for men and boys around what constitutes harassment, and emphasise what is and isn't acceptable language and behaviour towards women.

“Men should have more respect for women and girls in both the home and the workplace and an end to what men like to say banter but we say harassment”

“More training in workplace on what constitutes discrimination, harassment, stereotyping etc.”

Attitudes to sexual harassment in Scotland from the 2014 Scottish Social Attitudes Survey¹⁶

The Scottish Social Attitudes Survey asked about four types of sexual harassment, by presenting respondents with a scenario:

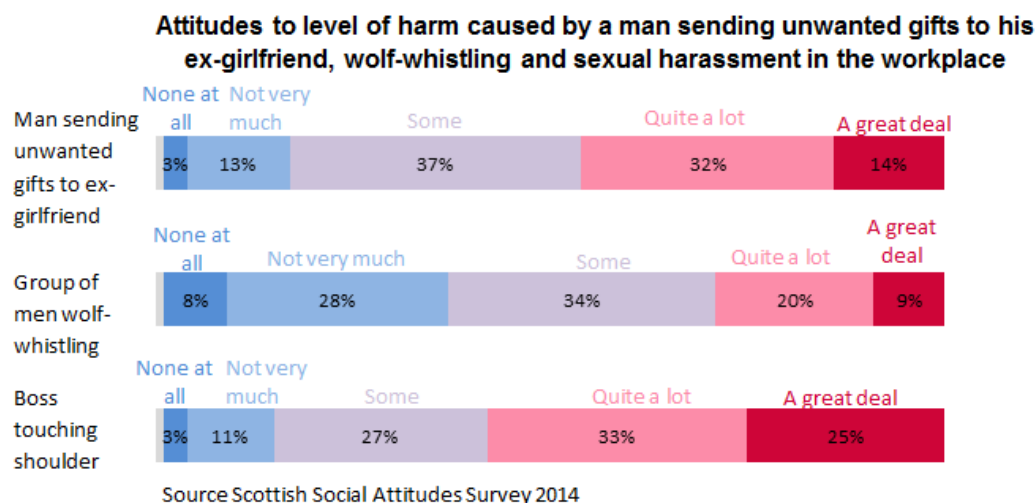
- sexual harassment in the workplace (male boss touching female employee's shoulder)
- wolf whistling by a group of strangers;
- stalking by an ex-boyfriend (man sending unwanted gifts and flowers to ex-girlfriend)
- “revenge porn” – A man posting naked pictures of his ex-girlfriend on the internet without permission

¹⁶ SSAS 2014 Attitudes to Violence Against Women
<http://www.gov.scot/Resource/0048/00489760.pdf>

Respondents were then asked how wrong they thought the man’s behaviour was on a scale of 1 to 7 (where 1 is ‘not wrong at all’ to 7 – ‘very seriously wrong’), and how much harm they thought it did to the women.

- 46% of people think sexual harassment in the workplace (male boss touching female employee’s shoulder) is very seriously wrong (49% of women compared to 43% of men think it is very seriously wrong).
- 58% said that a male boss touching a female employee’s caused either ‘a great deal’ or ‘quite a lot’ of harm to the employee.
- A quarter (25%) thought wolf whistling by a group of strangers was very seriously wrong
- 29% thought that a group of men wolf-whistling at a woman caused ‘a great deal’ or ‘quite a lot’ of harm
- 19% thought an ex-boyfriend sending unwanted flowers and gifts was very seriously wrong
- Nearly half (46%) thought that an ex-boyfriend sending unwanted gifts caused ‘a great deal’ or ‘quite a lot’ of harm
- Attitudes towards posting naked photos of an ex-girlfriend online were much more negative than for the other sexual harassment behaviours asked about
 - 88% said that they thought an ex-boyfriend posting naked photos online was ‘very seriously wrong’,
 - 87% thought it would cause ‘a great deal’ of harm
 - Women (91%) were rather more likely than men (85%) to say that putting up naked photos online of an ex-girlfriend was very seriously wrong

Attitudes to different types of sexual harassment vary. Sexual harassment in the workplace is seen as more harmful than stalking by an ex-boyfriend



Young People's Attitudes to Sexual Harassment¹⁷

Young people (age 11-18) were asked about their attitudes to three types of sexual harassment behaviours, wolf-whistling by a group of strangers, receiving unwanted gifts from an ex, and posting naked photos online without permission.

Young people tended to view these behaviours as less serious and less harmful than adults.

- Only a very small minority (7%) of young people thought being sent unwanted flowers and gifts by an ex-boyfriend was being very seriously wrong; Over half (58%) of young people felt that this behaviour would cause at least some harm (as opposed to 'not very much' or 'none at all').
- 14% viewed being wolf-whistled at by a group of strangers as very seriously wrong (14%). Over half (54%) considered this to cause at least some harm (as opposed to 'not very much' or 'none at all').
- Young people saw putting naked photos of an ex-girlfriend online as being much more serious than either of the other harassment behaviours asked about. Over three quarters of young people felt that posting photos of an ex-girlfriend online was "very seriously wrong" (76%) and would cause "a great deal" of harm (77%).

¹⁷ Young People's Attitudes To Violence Against Women Report On Findings From The Young People In Scotland Survey 2014 <https://beta.gov.scot/publications/young-peoples-attitudes-violence-against-women-report-findings-young-people/>