

# **Sexual harassment of disabled women in the workplace**

**A TUC report**

## Short Summary

The #MeToo movement is as important now as it was when it started highlighting the widespread and pervasive nature of sexual harassment and sexual assault at work. The stories that were shared as part of this movement echoed the findings of our 2016 report 'Still Just a Bit of Banter' and shed light on the lives of women whose experiences of workplace sexual harassment were all too often dismissed and swept under the carpet.

However, the voices and experiences of disabled women have too infrequently been highlighted.

We know that to effectively address sexual harassment we must hear from all workers who encounter it and ensure their specific experiences are taken into account when designing policies to tackle it.

Our previous analysis has revealed the intersectional discrimination and systemic workplaces barriers that disabled women face in the labour market. [Disabled women experience](#) an employment gap of 32.5 per cent compared to non-disabled women and a pay gap of 36 per cent compared to non-disabled men, equivalent to £3.68 per hour.

Given the significant systemic discrimination experienced more widely by disabled women at work and in wider society, we felt that it was important to understand their particular experience of sexual harassment in the workplace. We wanted to make sure that when government, regulators, employers and unions develop their responses to pervasive workplace sexual harassment, the experiences and needs of disabled women are at the heart of this.

We therefore carried out the first specifically targeted research of its kind in the UK, seeking the views of more than 1,100 disabled women. We not only asked about their experiences of sexual harassment but also whether they had felt able to report it and what impact the sexual harassment had on their physical and mental health.

This new report adds to previous TUC research on sexual harassment at work and has allowed and provides a foundation on which to build tailored solutions to address the specific experiences of disabled women workers.

We found shocking levels of sexual harassment, with around 7 out of 10 (68 per cent) respondents having been sexually harassed at work. This compares to 52 per cent of [women in general](#). Our research revealed that disabled women experience higher levels of every type of sexually harassing behaviour reflecting the imbalance of power disabled women encounter at work and in wider society.

The research also highlighted that many disabled women workers experience multiple forms of harassment with more than half of respondents (54 per cent) telling us they had experienced two or more types of sexually harassing behaviour, and 45 per cent telling us they had experienced three or more. This points to workplace cultures where sexual harassment is a frequent and normalised occurrence rather than an isolated incident.

Two thirds (66 per cent) of disabled women who were sexually harassed at work did not report it to their employer or supervisor. When we asked why, the most common reason for not reporting was that women did not believe they would be taken seriously. Almost 2 in 5 respondents (39 per cent) gave this reason, with around a third (31 per cent) stating that the barrier to reporting was that they thought it would have a negative impact on their career or work relationships.

The high levels of scepticism around the impact and effectiveness of reporting procedures appeared to be, at least in part, justified by the experiences of those who did report. When disabled women did report their experiences of sexual harassment to their employer or supervisor, the majority (53 per cent) said it was not dealt with satisfactorily.

The sexual harassment that disabled women experienced had a devastating impact on both their health, and careers. Over a third (34 per cent) reported that their most recent experience of sexual harassment had had a negative effect on their mental health and a shocking one in eight (12 per cent) said their most recent experience of sexual harassment had caused them to leave their job or employer. This report adds to the growing body of evidence that workplace cultures need to change.

Our research has shown that most disabled women workers who've been sexually harassed don't report it to their employers. We can't therefore continue to rely on reactive systems which are driven by reports from workers.

Workplace cultures will not change while the onus rests solely on individuals who are silenced by hostile workplaces. We need to shift the onus of dealing with sexual harassment at work from these individuals to employers.

And the voices of disabled women must be at the centre of discussion about workplace sexual harassment and bullying because effective solutions can only be created with those they impact, because there is 'nothing about us without us.'

Given the scale of sexual harassment revealed by our research, we also need an appropriately resourced Equality and Human Rights Commission, both to enforce the new preventative duty and to use their existing enforcement powers in a targeted way that address the specific experience of disabled women at work.

# Recommendations

This research has highlighted the extent of sexual harassment disabled women face, the barriers they experience in reporting it and the devastating impact it has on their lives.

It has shown that the current legislation is not fit for purpose.

Additional legal protections and new ways of building preventative workplace cultures are needed and if they are to be successful, they must be designed and implemented with disabled women.

We need action from government and from employers, in partnership with trade unions, that shifts to a preventative collective approach.

## Recommendations for government

The government must take steps to ensure all workers including disabled women are effectively protected from sexual harassment and sexual assault in the workplace.

The government should act urgently to:

- **introduce a new legal duty to prevent harassment.** The government must introduce a mandatory duty for employers to protect workers from all forms of harassment (including sexual harassment) and victimisation. A breach of the duty should constitute an unlawful act for the purposes of the Equality Act 2010 and be enforceable by the EHRC. This would create a clear and enforceable legal requirement on all employers to safeguard their workers and help bring about cultural change in the workplace.
- **strengthen legislation to tackle third-party harassment.** Employers currently have a duty of care for all workers; however, in relation to third party harassment it is not always clear to employers or workers what this means. The government must reintroduce section 40 of the Equality Act 2010 which places a duty on employers to protect workers from third-party harassment. Government should also strengthen it by removing the requirement that an employer needs to know that an employee has been subjected to two or more instances of harassment before they become liable. This would ensure clear and comprehensive legal protection on the grounds of sexual harassment<sup>1</sup>. The government should legislate for this in the forthcoming Employment Bill.
- **appropriately resource the Equality and Human Rights Commission** so it can enforce the new preventative duty and use its existing enforcement powers in a targeted way to address the specific experience of sexual harassment disabled women have at work.
- **introduce a statutory code of practice on sexual harassment and harassment at work.** This must include disabled women explicitly and use the findings of this report

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<sup>1</sup> Section 40 of the Equality Act 2010 placed a duty of the employer to act where an employee was being harassed by a third party in certain circumstances. This was repealed in 2013.

supported by meaningful engagement with disabled women to inform the drafting of the code. The code should also specify the steps that employers should take to prevent and respond to sexual harassment, and which can be considered in evidence when determining whether the mandatory duty has been breached.

- **reinstate employment tribunals' power to make wider recommendations.** The Equality Act 2010 gave employment tribunals the power to make wider recommendations for the benefit of the wider workforce, not just the individual claimant, in relation to discrimination claims. This power was removed by the Deregulation Act 2015. In workplaces where a culture of bullying and harassment has been allowed to flourish or where there are systemic failures of the organisation to respond adequately to complaints of harassment, the power to make wider recommendations would be of great benefit.
- **extend the full range of statutory employment rights** to all workers, regardless of employment status or type of contract.
- **Strengthen the evidence base.** In any future research exploring sexual harassment at work, government should ensure that the distinct experiences of disabled women workers, including freelancers and those on insecure contracts are collected and analysed.
- **Funding for specialist services for disabled people and women.** Many services, both in the public and voluntary sectors, have faced years of underfunding and resource cuts. The government must ensure there is adequate funding for organisations combating sexual violence and providing support to survivors of sexual violence. It is particularly important that disabled women's services receive adequate levels of funding so that disabled women are able to access services tailored for them.

## Recommendations for employers

Sexual harassment can happen in any workplace. It is essential that when incidents of sexual harassment are reported they are taken seriously, thoroughly investigated, and victims are given the support and advice they need. However, it is clear that most instances of sexual harassment of disabled women at work are not reported and while much work is needed to remove barriers to reporting, ultimately the most effective way to tackle sexual harassment at work is to prevent it. Employers should not wait for legislation to be introduced to start building a preventative culture.

Employers should, in consultation with trade unions and disabled women:

- Use [EHRC's technical guidance on harassment](#) to review existing policies and develop approaches to building positive preventative workplace cultures and addressing the everyday sexism and ablism that support and enable sexual harassment.

## Recommendations for unions

The research found low reporting levels of sexual harassment. To help address this, trade unions should, in consultation with disabled women members:

- **Review guidance and training.** Unions should review their guidance and training for reps on how to support members who have been sexually harassed to ensure they appropriately address disabled women's particular experiences. This should also take into account the EHRC technical guidance on sexual harassment.
- **Run workplace campaigns on recognising and tackling sexual harassment.** These campaigns should define what the behaviours are, raising awareness of the different types of sexual harassment. Campaign materials and events should be inclusive, e.g. documents should be legible by screen readers, BSL translation should be available upon request.
- **Negotiate policies with the employer on how to prevent sexual harassment,** how to report it if it occurs, and on what the employer will do if a report is made. Unions should work with employers to review policies to make sure that they are intersectional and apply to disabled women, using appropriate language, examples and case studies throughout.

# Definitions, background and methodology

## The definition of disability

The TUC has adopted the social model of disability. The social model of disability focuses on the ways in which society is organised, and the social and institutional barriers which restrict disabled people's opportunities. The social model sees the person first and argues that the barriers they face, in combination with their impairments, are what disables them.

Barriers can make it impossible or very difficult to access jobs, buildings or services, but the biggest barrier of all is the problem of people's attitude to disability – for instance, [recent TUC research](#) found that one in eight disabled workers did not feel able to tell their employer about their disability, health condition or impairment. Almost one in four of these (24 per cent) said that they did not tell their employer they were disabled because they thought that, as a direct consequence, they would be treated unfairly. And over a third (38 per cent) did not tell their employer because they were worried that if their employer knew they were a disabled worker they would think that they could not do their job.

Removing the barriers is the best way to include millions of disabled people in our society.

## Disabled women in the workplace

Disabled men and women experience significant pay and employment gaps.

[TUC analysis of the Labour Force Survey](#) found the disability employment gap, the difference between the employment rates of disabled and non-disabled people, in 2020 was 29.8 percentage points with an employment rate of disabled people of 51.8 per cent and non-disabled people of 81.6 per cent.

While [TUC research](#) found that disabled women were paid, on average, 36 per cent or £3.68 per hour less than non-disabled men.

Our research into disabled workers' experiences during the pandemic found disabled workers experienced multiple types of unfair treatment at work including being concerned their disability had affected how their performance would be assessed by their manager, being concerned their disability has affected their chances of a promotion in the future and being subject to bullying or harassment. Interestingly the findings for unfair treatment were statistically similar for disabled men and women.

Disabled men and women's workplace experiences differed when looking at the reasons given for not telling employers about their disability. Disabled workers have told us they are reluctant to provide their monitoring data because they believe doing so will lead to negative stereotypes about disabled workers impacting on them and the perception of their capabilities.

Disabled women were more likely to say the reason for not telling their employer about their disability were they:

- were worried they might lose their job (24 per cent compared to 17 per)
- did not think their employer would support them (32 per cent compared to 22 per cent)
- were worried their employer would treat them unfairly (32 per cent compared to 16 per cent)
- were worried their employer would not think they could do their job (42 per cent compared to 28 per cent)

Our evidence shows disabled women workers face many labour market disadvantages including underemployment and underpay and highlights that they encounter high levels of unfair treatment, like bullying and harassment, when at work.

These facts and experiences lead to a logical perception that, as disabled women workers, their livelihoods are more at risk than others.

## **Defining sexual harassment**

This report focuses on the sexual harassment of disabled women at work. The Equality Act 2010 defines sexual harassment as unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

It is important to note that a perpetrator's claim that a comment or action was meant as a joke or a compliment is not a defence in a sexual harassment case. Nor does the harassment have to be directed at the person complaining about it. For example, the display of pornography in a work environment or 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. It is also harassment to treat someone less favourably because they have rejected or been subjected to unwanted sexual conduct.

Some examples of behaviour that could constitute sexual harassment are:

- indecent or suggestive remarks
- questions, jokes, or suggestions about a colleague's sex life
- the display of pornography in the workplace
- the circulation of pornography (by email, for example)
- unwelcome and inappropriate touching, hugging or kissing
- requests or demands for sexual favours
- any unwelcome behaviour of a sexual nature that creates an intimidating, hostile or humiliating working environment.

There are also some forms of sexual harassment that are criminal offences. These include unwanted touching, sexual assault and serious sexual assault or rape.

## Who is affected by sexual harassment?

Everyone and anyone can experience sexual harassment at work. However, women are more likely to experience sexual harassment than men. [TUC research](#) found that more than half (52 per cent) of women experience some form of sexual harassment in the workplace. This statistic was echoed by a 2017 poll by the [BBC](#), which found that 50 per cent of women reported experiencing sexual harassment compared to 20 per cent of men.

The sexual harassment and sexual assault of women at work sits within a wider, systemic experience of violence against women and girls at home, in education and in public and digital spaces. It is part of the everyday context of the lives and experiences of women and girls across the UK. As the Women and Equalities Select Committee noted in their [report](#) on sexual harassment in public places, harassment is, “a routine and sometimes relentless experience for women and girls, many of whom first experience it at a young age.” A recent [Ofsted report](#) highlighted the fact that sexual harassment was ‘normalised’ in schools and colleges with nearly 90% of girls saying being sent sexually explicit pictures or videos of things they did not want to see happened a lot. When looking at women’s experience of sexual harassment and assault it is clear that some groups, including disabled, Black and minority ethnic (BME), and LBT women are affected in different and disproportionate ways, their particular experience being shaped by structural discrimination and pervasive, harmful stereotypes.

Disabled people are subject to a range of harmful stereotypes and subsequent systemic discrimination. Disabled people have been consistently stripped of the fundamental rights that non-disabled persons enjoy. This has included institutionalisation, forced sterilisation and in the rejection of the most fundamental right – the right to life – policies driven by eugenics. Press portrayals of disabled people are overwhelmingly negative [fuelling a rise in hostility](#) which has been linked to increases in hate crime. Disabled people are also stereotyped by a [damaging and pervasive belief that they are asexual](#), influencing [discriminatory infantilisation](#) of disabled people. These attitudes underpin the [dehumanising of disabled women](#) so perpetrators are able to justify to themselves any violence/crimes they perpetrate as not of the same magnitude as violence perpetrated against non-disabled women.

These harmful stereotypes and the structural discrimination they support, shape disabled women and girls’ experience of sexual violence.

## Where does it occur?

Workplace sexual harassment can take place in a range of different locations. For example, a client or patient’s home, on a work trip, a team away-day or at a work social event such as a Christmas party.

Our 2016 report, [Still Just a Bit of Banter](#) which looked at sexual harassment of women in the workplace found that one in twenty women had been sexually harassed by email or online. Since then, social media and email have become increasingly involved in workplace sexual harassment, so it is ever more important to tackle these behaviours online.

As well as taking different forms and occurring in diverse settings, sexual harassment at work may be perpetrated by people in a range of roles, including managers, potential employers, colleagues, clients, patients, or customers. For example, a care worker might be harassed by a client when on a home visit or a prospective employer might demand sexual favours of an actor at a casting session. Sexual harassment perpetrated by a client, contractor or customer is referred to as third-party harassment.

Sexual harassment may be part of gender or another form of discrimination, or an inextricable combination. For instance, [TUC research](#) into sexual harassment of LGBT workers, including LGBT women, men and non-binary individuals, found that many of the incidents of sexual harassment reported appeared to be linked to the sexualisation of LGBT identities and the misconception that these identities solely focus on sexual activity. [Evidence](#) shows that BME women's experience of sexual harassment is often bound up with racial harassment.

## **What do we know about disabled women's experiences of sexual harassment at work?**

Since the #MeToo movement in 2016, there has been a welcome increased level of attention on women's experiences of sexual harassment, including in the workplace, however, there has been very little attention paid to the specific experiences of disabled women.

A 2010 UN [study](#) looking at the global perspective of violence against women and girls shows that disabled women and girls experience gender-based violence at disproportionately higher rates and in unique forms owing to discrimination and stigma based on both gender and disability.

A [2015 study in the EU](#) found that 61 per cent of disabled women experiences sexual harassment at work and in education since the age of 15 compared to 54 per cent of non-disabled women.

While UK data published, by the [ONS in 2019](#), found disabled women were almost twice as likely to have experienced any sexual assault in the last year (6 per cent) than non-disabled women (three per cent).<sup>2</sup>

These findings point to the imbalance of power disabled women encounter and high levels of discrimination they face. Additionally we know disabled women are disproportionately at risk from all forms of violence and abuse from carers, partners and people in the community, as [EHRC evidence](#) has shown.

However, despite this evidence very little is known about the true extent of sexual harassment of disabled women in the workplace.

This research seeks to address this evidence gap and to centre disabled women's rights and knowledge in our work to end discrimination against women.

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<sup>2</sup> Looking at data in the three years ending March 2018,

## Methodology

Polling was carried out by YouGov, on behalf of the TUC, between 17-23 February 2021, with 2003 disabled respondents. The research was carried out online.

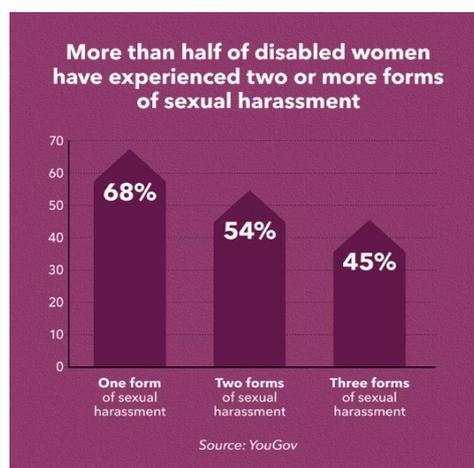
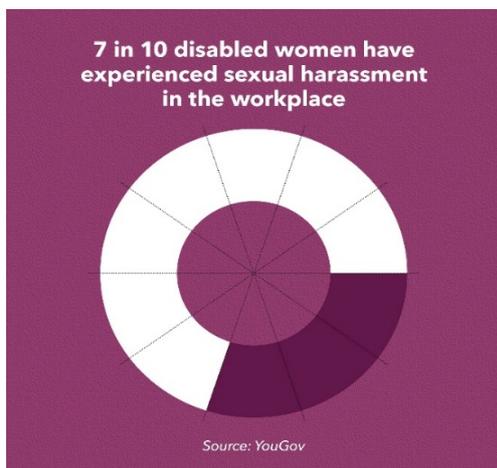
As part of this polling, 1162 disabled women answered questions about their experiences of sexual harassment at work.

We know from our previous work that the best way of getting an accurate picture of the prevalence of sexual harassment at work is not to simply ask people whether they have experienced it. This is because there are low levels of understanding of the full range of behaviours which meet the legal definition of sexual harassment in the workplace and also because individuals can be reluctant to label their experience as sexual harassment. We therefore mirrored the approach adopted in our earlier sexual harassment research, listing a range of different types of sexual harassment and asking whether people had experienced these.

The research examined the following aspects of sexual harassment of disabled women at work:

- Unwelcome verbal sexual advances
- Unwanted touching in general
- Sexual assault (i.e. unwanted sexual touching)
- Serious sexual assault/rape
- Unwelcome sexual jokes
- Unwelcome questions/comments about my sex life or sexuality
- Unwanted comments about my body
- Displays of pornographic photographs or drawings in the workplace
- Receiving unwanted emails (e.g. from a colleague, client etc.) with material of a sexual nature
- Receiving unwanted messages to me or about me (e.g. from a colleague, client etc.) on social media

# Findings



## Key findings

The polling found that nearly 7 in 10 (68 per cent) of disabled women have experienced some form of sexual harassment at work. This compares to around half (52 per cent) of [women in general](#).

Younger disabled women<sup>3</sup> are even more likely to have experienced sexual harassment with almost four out of five (78 per cent) reporting being sexually harassed at work.

Many disabled women had been harassed multiple times at work, and experienced multiple types of sexually harassing behaviour. Over half (fifty-four per cent) had experienced two forms of sexual harassment, and forty-five per cent had experienced three forms. This points to workplace cultures where misogynistic and discriminatory behaviour is widespread and normalised, not occurring as isolated incidents.

Women in general experience high levels of sexual harassment, but we found that disabled women experience it in even higher numbers in every type of sexually harassing behaviour.

Around half (49 per cent) of disabled women had heard unwelcome jokes of a sexual nature, compared with around one third (thirty-two per cent) of women in general.

More than two out of five (44 per cent) respondents had received unwanted comments about their body or clothes, compared with around a quarter (28 per cent) of women in general.

Almost two-fifths (38 per cent) of disabled women experienced unwelcome sexual advances, compared with a fifth of women in general.

15 per cent of disabled women had seen displays of pornographic material in the workplace, compared with under one in ten of women in general.

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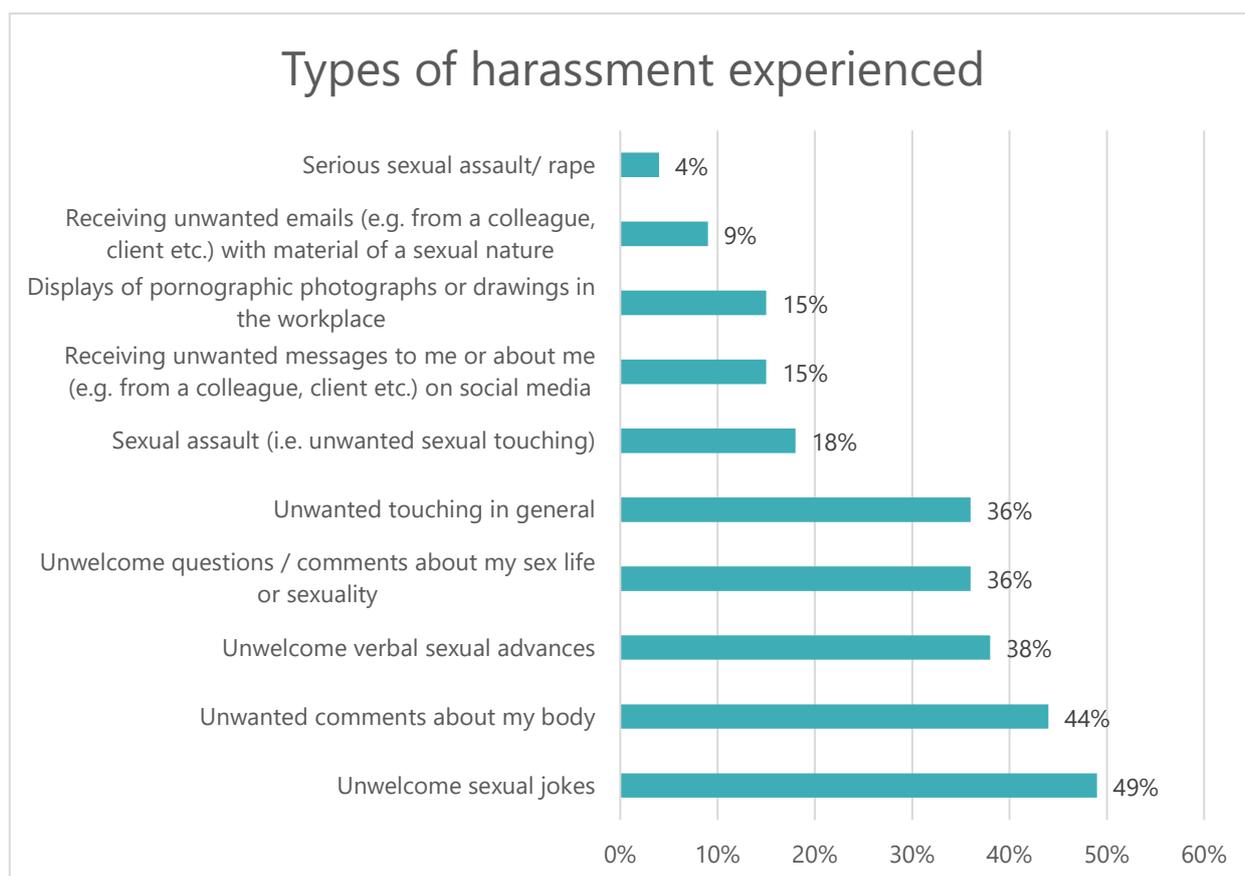
<sup>3</sup> Aged 18 to 34

Sexual harassment via e-mail and online is a significant problem, with one in seven respondents (15 per cent) reporting being sexually harassed on social media and one in 11 (9 per cent) by e-mail or telephone.

Over a third (36 per cent) of disabled women have experienced unwanted touching, compared with nearly a quarter of women in general.

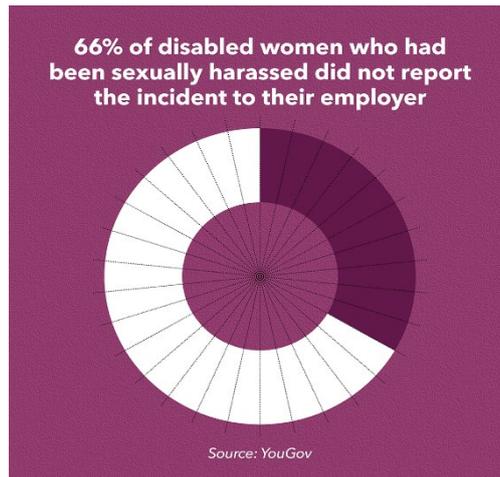
Almost two in ten (18 per cent) of disabled women have experienced unwanted sexual touching, compared with one in ten of women in general.

Four per cent of disabled women have experienced a serious sexual assault or rape at work, compared with one per cent of women in general.



### Where work related sexual harassment occurred

Over half of those who had been sexually harassed (56 per cent) told us that their most recent experience of this had occurred in their workplace or other premises used by their employer. One in 13 (eight per cent) of disabled women told us that the happened in the place of work or home of an external work contact (for example, a client, customer or patient) – a form of harassment known as third-party harassment. The same proportion (eight per cent) were sexually harassed at a work-related social event, such as a Christmas party.



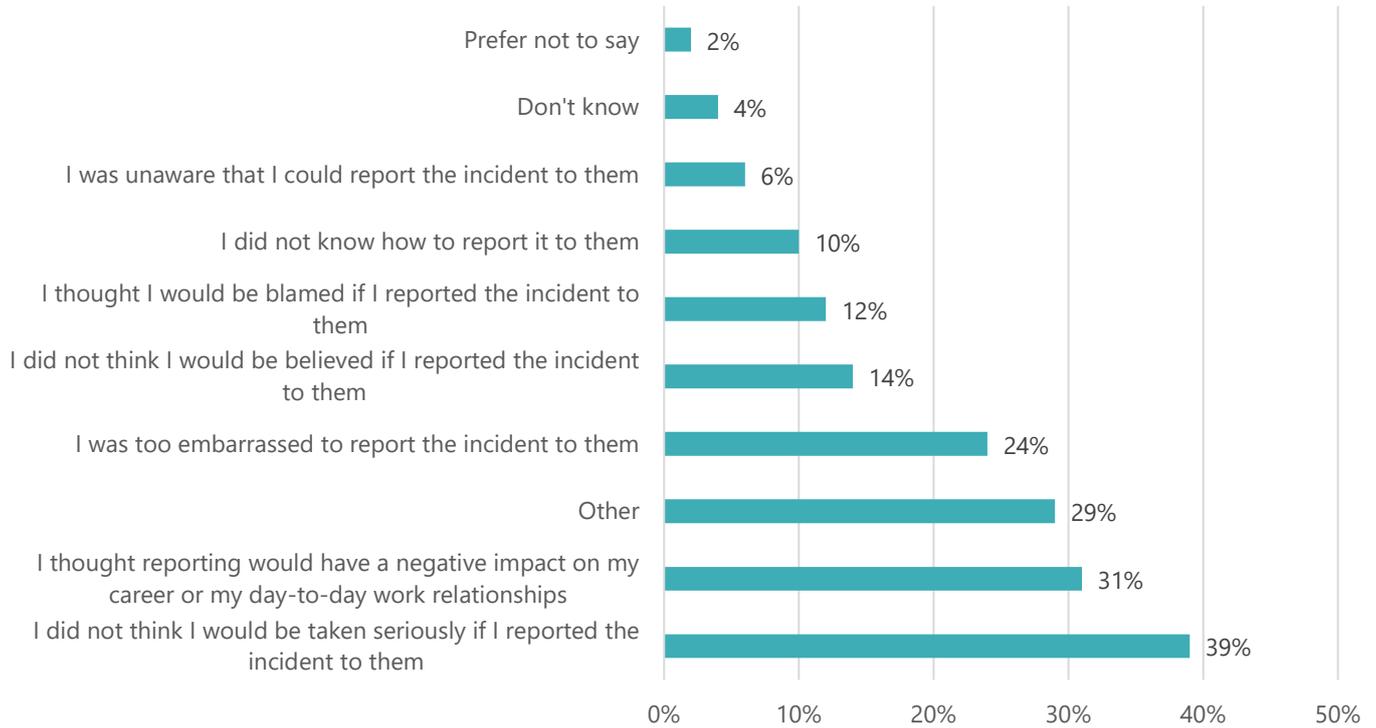
## Reporting

Two-thirds (66 per cent) of the disabled women who experienced sexual harassment at work did not report the incident to their employer or supervisor.

### Reasons for not reporting

Of those women who didn't report being sexually harassed at work nearly two out of five (39 per cent) said this was because they did not think it would be taken seriously. Three in 10 (31 per cent) were put off because they thought it would have a negative impact on their career or work relationships. Other reasons included being embarrassed (24 per cent) or women thinking they would be blamed if they reported the incident (12 per cent). One in 10 respondents did not know how to report the incident (10 per cent), with some women (six per cent), not knowing that they could even report the incident at all.

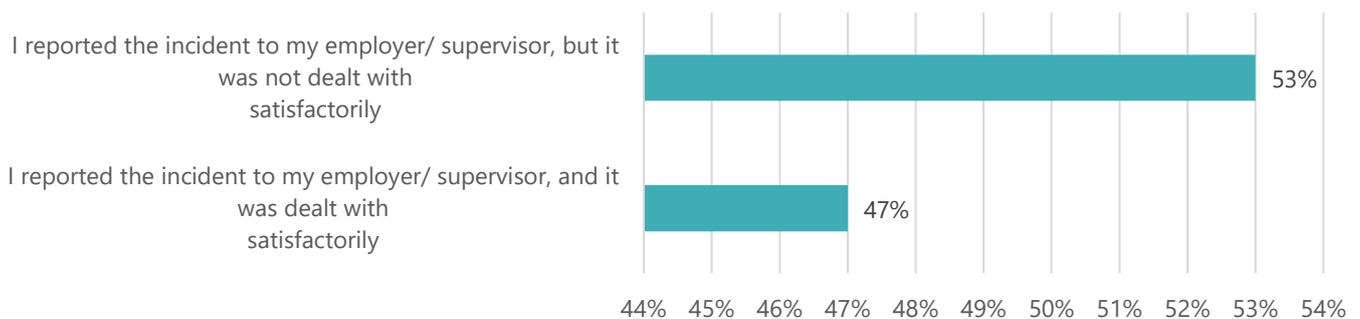
## Reasons for not reporting sexual harassment to employer

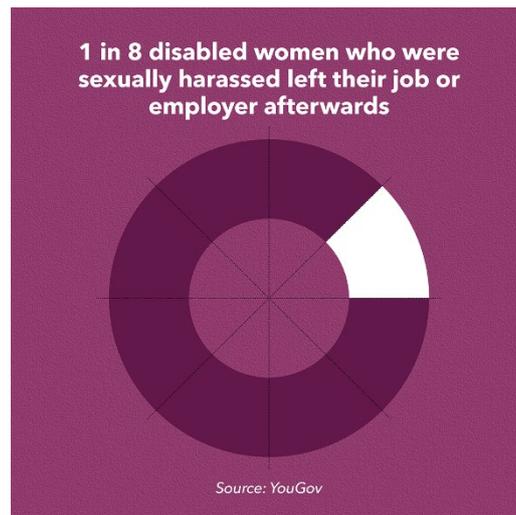


## Satisfaction levels with reporting sexual harassment

Only 28 per cent of respondents had reported their latest experience of being sexually harassed at work to their employer or supervisor and, of those, over half (53 per cent) said it was not dealt with satisfactorily.

### If they reported sexual harassment to employer





## Impact

Sexual harassment has a severe impact on disabled women, both in terms of their physical and mental health and their careers.

Of the disabled women who had experienced sexual harassment, over a third (34 per cent) reported that their most recent experience of sexual harassment had had a negative effect to their mental health with six per cent saying it had a negative effect on their physical health.

A shocking one in eight (12 per cent) of respondents said their most recent experience of sexual harassment had caused them to leave their job or employer. More than one in five (21 per cent) said that it had negatively affected their relationships with colleagues with around one in six (16 per cent) reporting a negative impact on their performance at work and six per cent needing to take time off work.

## The impact of sexual harassment

