

Third Party Sexual Harassment

Resource for RCN members

A decorative graphic consisting of several overlapping, wavy lines in various colors including purple, yellow, green, orange, and blue, flowing across the bottom half of the page.

Healthy workplace, healthy you
Dignity at work



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Third party sexual harassment

Third party sexual harassment happens when a worker, in this case a member of the nursing workforce (including a student on placement), is sexually harassed by a client, patient, patient's associate or member of the public, whilst at work.

Nursing and midwifery staff are recognised as a group that are more likely to experience third party sexual harassment. Media depictions of nursing staff can fuel stereotypes leading to nurses being treated as fair game. Lone working nurses may be particularly vulnerable, especially those visiting patients in their homes.

Sexual harassment is defined as behaviour which violates a person's dignity and/or creates an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment can take several forms.

Examples include:

- inappropriate touching
- unwanted sexual advances
- sharing or sending lewd images via social media.

Many of the media reports have been about men harassing women workers but anyone can be a victim of sexual harassment. Equally the perpetrator can be the same gender as the individual they are harassing.

Sometimes, third party sexual harassment can lead to sexual assault. Sexual assault or indecent assault can be defined as an act of physical, psychological and emotional violation in the form of a sexual act, inflicted on someone without their consent. It can involve forcing or manipulating someone to witness or participate in any sexual acts.

Not all cases of sexual assault involve violence, cause physical injury or leave visible marks. Sexual assault can cause severe distress, emotional harm and injuries which can't be seen – all of which can take a long time to recover from.

Sexual assault or threats to sexually assault should always be reported to the police who should treat such cases as seriously as those of violent, physical assaults.

Sometimes third-party sexual harassment can lead to stalking behaviours, again these should be reported to the employer and the police service.

What third party sexual harassment feels like

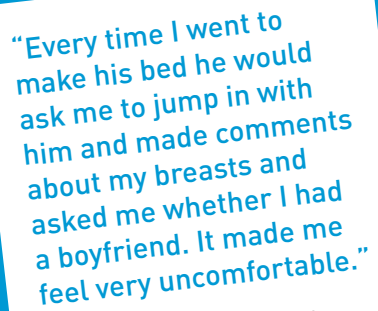
Third party sexual harassment can be very distressing for individuals, particularly in nursing roles where the perpetrator is a patient and nursing staff have to return to face them every work day.

This distress can lead to emotional and psychological impacts including feelings of anger and fear. The emotional and psychological impacts can manifest as physical symptoms including palpitations, insomnia and headaches. It may result in absenteeism from work due to the stress and anxiety associated with facing the perpetrator.

Experiencing third party harassment?

Always report cases of third-party harassment to your employer. Don't be put off reporting by other colleagues or managers. Anything that makes you feel uncomfortable, violated or abused, no matter how small, should be reported. It could be the start of something bigger or unbeknown to you, other staff could have complained previously.

Have a look at your employer's policy on violence, abuse and workplace harassment and follow the steps on how to report, laid out in the policy.



“Every time I went to make his bed he would ask me to jump in with him and made comments about my breasts and asked me whether I had a boyfriend. It made me feel very uncomfortable.”

Newly qualified nurse

If there is no policy, report verbally to your manager and record it on your organisation's incident reporting system. Keep a record of all instances of harassment.

The RCN expects employers to take reports seriously and take definitive action to protect staff from abuse. You can also speak to your RCN workplace representative for support. If you have no representative, call RCN Direct for advice. Some organisations will have people who you can escalate concerns to such as a Freedom to Speak Up Guardian in England, independent sexual violence advisers or dignity champions.

If you are a student experiencing third party sexual harassment on a placement, raise this with your mentor and document the incident using the organisation's incident reporting form. You may also flag the incident with your tutor and RCN Student Ambassador. If no action is taken to address the incident or the behaviour continues, then contact RCN Direct for advice on what to do next.

Witnessing third party sexual harassment

You may not be a victim of third-party sexual harassment but you may witness a colleague being harassed by a third party. If this is the case, let the colleague know what you have witnessed and encourage them to report the incident, and act as a witness on any forms. You can help to signpost them to sources of support such as their RCN workplace representative, dignity champions or occupational health service. It can be distressing to witness third party sexual harassment, especially if you are working in the same environment and could be exposed to it yourself.

What employers should do to protect staff

Under health and safety legislation, your employer must take steps to protect your health and safety at work, which includes protecting you from the risk of harm by abuse from patients, relatives or others you encounter through your role. Your employer should already have risk assessments in place for preventing violence and abuse and for lone working. Where they are made aware of cases of third-party sexual harassment, they should

carry out a risk assessment and put steps in place to prevent reoccurrence. This may include re-siting care from home to a clinic or hospital building; providing lone worker alarm devices or doubling up on home visits; speaking to the perpetrator about their behaviour (e.g. a yellow/red card warning system) or, in cases where the patient has limited or no capacity, a review of their treatment and care.

Your employer should support you in reporting any incident of sexual assault or threats of sexual violence to the police.

You can experience third party harassment on several grounds including race or religious belief. The response by your employer should be the same regardless of the type of harassment.

Since October 2013, employers are no longer liable under the Equality Act 2010 for third-party harassment at work. This is under review by the Government. However, the Equality and Human Rights Commission advise that employers who do not take reasonable steps to prevent or respond to third party harassment may be liable under the Equality Act for indirect or direct discrimination. If you have concerns about the way your complaint of third-party harassment is handled, then contact RCN Direct.

Further information and help

RCN Direct on **0345 772 6100** or www.rcn.org.uk/get-help/rcn-advice

Equality and Human Rights Commission
<https://equalityhumanrights.com/en>



The RCN represents nurses and nursing, promotes excellence in practice and shapes health policies

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