

# Sexism at work

## What is sexual harassment?

About a third of women who faced sexual harassment in the EU experienced it in the **workplace**.

Some of the sexist behaviour listed in the Council of Europe recommendation on combating sexism, such as 'derogatory comments, objectification, sexist humour' can be categorised as sexual harassment as defined under Article 12a of the Staff Regulations<sup>[1]</sup>.

Additionally, any ongoing pattern of sexist behaviour can **create an environment that is 'intimidating, hostile, offensive or disturbing'**, as defined under Article 12a of the Staff Regulations.

Such behaviour is also illegal under several EU directives and prohibited under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)<sup>[2]</sup>. EU law distinguishes between sex-based harassment, which is any unwanted behaviour directed to someone because they are a woman or a man, and sexual harassment, which involves unwanted conduct of a sexual nature. Sex-based harassment includes sexual harassment and some sexist behaviour.

Sexual harassment is an extreme form of sexism and has been shown to result in:

- fear, anxiety, shame, anger;
- reduced productivity;
- high absenteeism;
- reduced performance;
- high staff turnover<sup>[3]</sup>.

This section will highlight the link between **persistent gender stereotypes and sexual harassment**. However, sexual harassment is a legal matter and beyond the scope of this handbook, which focuses on informal mechanisms to create cultural change.

### **Definition: sexual harassment**

Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Source: EIGE<sup>[4]</sup>

Sexual harassment is a form of discrimination and violence. **Victims are predominantly women and perpetrators are predominantly men**<sup>[5]</sup>. When FRA surveyed women about experiencing sexual harassment in the employment context, men were perpetrators in 86 % of cases<sup>[6]</sup>.

Men can also be targets of sexual harassment and women can also be perpetrators, though this is less common.

However, when surveyed, people in **different European countries have been found to have a different understanding of what constitutes sexual harassment at work**. For example, the French are three times more likely to believe it is harassment to tell a sexual joke than the Danes<sup>[7]</sup>.

Key factors are whether the affected individual considers the act as unwanted and whether they can **distance themselves without fear of reprisals**.

**Complimenting someone may not necessarily amount to sexual harassment**. Much depends on the context and nuances of the relationship between those involved. A good rule of thumb is that comments about people's appearance in today's workplace are best avoided.

The FRA survey on violence against women found the following<sup>[8]</sup>:

## **Form of harassment experienced by women in the employment**

## context in the EU-28 since the age of 15 (%)

People sometimes try to excuse sexual harassment with one of the following:

“It was just a joke.”

“She/he is from a different era.”

“But she/he is so nice!”

“She/he is from a different culture.”

“It was just a one-off.”

“You’re being too sensitive!”

“She/he was only flirting.”

None of these excuses are valid. Remember that:

all staff should be aware of what behaviour constitutes sexual harassment and need to be held to account if they breach the legislation, Staff Regulations and policy;  
inappropriate jokes can constitute sexual harassment;  
one instance of sexual harassment is too much and should be reported;  
there could be other victims;  
nobody has the right to violate another person’s dignity.

### Footnotes

[1] FRA, Violence against women: an EU-wide survey – Main results, Publications Office of the European Union, Luxembourg, 2014 ([https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-vaw-surve...](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-surve...)).

[2] See Directive 2006/54/EC on equal treatment of men and women in employment, Directive 2004/113/EC on the principle of equal treatment between men and women in the access to and supply of goods and services, and Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity. The Istanbul Convention has been ratified by: Belgium, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Luxembourg, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland and Sweden.

[3] European Parliament, Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU – Study for the FEMM Committee, research paper by the Directorate-General for Internal Policies, Publications Office of the European Union, 2018, p. 30 ([https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL\\_STU\(2018\)604949\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL_STU(2018)604949_EN.pdf)).

[4] <https://eige.europa.eu/thesaurus/terms/1376>

[5] EIGE Gender Statistics Database, 'Over the last 12 months, during the course of your work have you been subjected to harassment? (of respondents, 15 + workers)' ([https://eige.europa.eu/gender-statistics/dgs/indicator/ta\\_wrklab\\_wrk\\_con...](https://eige.europa.eu/gender-statistics/dgs/indicator/ta_wrklab_wrk_con...)).

[6] FRA, 2014, p. 113.

[7] Inhoffen, L., 'Sexuelle Belästigung gegenüber Frauen: Wo fängt sie an und wo hört sie auf?', 2018 (<https://yougov.de/news/2017/11/09/sexuelle-belastigung-gegenuber-frauen-...>).

[8] FRA, 2014, p. 96.