

Written evidence from the British Occupational Hygiene Society [EOV0010]

Background

I write on Behalf of the British Occupational Hygiene Society, and independent scientific charity, founded 70 years ago to prevent workplace ill-health. It is also the chartered professional body for scientists working to prevent occupational health exposures in all workplaces. I have previously advised the United Nations and Foreign Office inter alia on VAWG issues, was Professor of Comparative Justice, Professor of Public Law and chaired Hate Crime Scrutiny Panels for the CPS from the 90s, with an overview of VAWG. As such, I have particular and varied expertise in the investigation of sexual offences and related policies.

Our submission

VAWG and its relationship with the workplace is problematic. For the majority of adults, most of their inter-gender interactions will be associated with work. The relationship between workplace legal duties and violence against women (and girls) has largely been reserved to areas of employment law. Civil law duties, together with the associated burden of proof, employee procedural rights and the management of business and reputational risk have essentially “privatised” VAWG in the workplace.

The default body for the criminal investigation of injuries, occasioned by VAWG in the workplace has been the Health and Safety Executive and the duty to report is theoretically part of the RIDDOR regime. This regime is designed to enable the monitoring of injuries in the workplace. RIDDOR, as a matter of practice does not include the reporting of sexual assaults. The Executive’s guidance on RIDDOR notes:

“HSE has no formal agreements with the EOC or CRE on demarcation, but inspectors should refer cases of sexual or racial abuse to these bodies if it is clear that they do not result primarily from failures in health and safety management.”

Neither of these bodies is designed to address the sorts of preventions that are needed to manage the health and safety implications of sexual abuse in the workplace. However, it has the effect of making violence to women something that is not dealt with under RIDDOR, whereas other forms of violence in the workplace are. BOHS is actively canvassing HSE’s review of RIDDOR to address this inconsistency.

We note particularly that welfare facilities (such as changing rooms) in traditionally male dominated industries, which are designed to enable the health and safety of workers through the removal of contamination and the donning of protective equipment, have continual reports of sexual misconduct and assault.

Over and over, we see reports of workplaces where sexual assault is an “occupational hazard” form operating theatres to asbestos decontamination chambers. This problem and the endemic culture of condonation by management will not be changed until there is an effective mechanism for engaging and prioritising the reporting of sexual offences in an effective way through workplaces and engaging the victim-first model of investigation.

A woman assaulted in a workplace is most likely to revert to their management first, before engaging the police. From then on, the employer is in a balancing act of investigation within employment processes and needs to proceed in a way which would inevitably be prejudicial to principles of good practice in the investigation of sexual assaults.

This particularly impacts escalation, as workplace condonation of low-level sexually inappropriate behaviour can give rise to a culture of license and even of protection for transgression.

Without addressing the workplace and the complex question of sexual assaults in those contexts, for many adult women, the progress and rights in VAWG will not be meaningfully realised. While this might seem like a minor area of concern, the statistics on workplace sexually inappropriate behaviour would suggest otherwise and the connection with more violent crime, although under-researched would seem to be anecdotally strong.

September 2023