

**Written submission from Dr Julia Shaw, Rashid Minhas, and Camilla Elphick**

**(SHW0037)**

1. **Executive Summary.** This submission provides evidence regarding issues with sexual harassment in the workplace, under-reporting, and barriers to reporting. It also introduces a new tool for facilitating reporting.
  - **Methods.** We undertook a systematic review of relevant literature since 2000, to summarise existing findings.
  - **Findings:** We found very little research into the reporting of harassment, but that most cases of sexual harassment are never reported. However, we concluded that there were barriers to reporting that could be facilitated with changes to the organisational climate, and by introducing better ways to report.
  - **Limitations:** Although sexual harassment has been widely researched, the studies used different methods and samples, making them difficult to generalise. There was also a shocking dearth of research into the issue of under-reporting.
  - **Recommendations:** We introduce *Spot*, a free AI chatbot which can be accessed via [talktospot.com](http://talktospot.com), that facilitates reporting and increases confidence in reporting by removing the risk of non-confidentiality.
  - **Conclusions:** Sexual harassment and the under-reporting of sexual harassment can be reduced by improving organisational climate and by introducing better reporting methods, such as *Spot*.
2. This submission of evidence to the committee's inquiry on sexual harassment in the workplace emphasises the under-reporting of harassment, and how both reporting and responses to harassment can be improved. It also proposes that a new AI reporting tool,

*Spot*, can help to solve the under-reporting problem and can improve the quality of the evidence available to workers and employers when reports of sexual harassment have been made.

- 3. Our qualifications.** We are a research team that is currently investigating the reporting of workplace harassment, and we have created an AI-powered tool (called *Spot*) to report and record workplace harassment and discrimination. Dr Julia Shaw is a research associate in the department of Psychology at University College London, who specialises in memory and the reporting of workplace harassment and discrimination. Rashid Minhas, who is finishing his PhD in Psychology on the topic of Police Interviewing at the University of Derby. Camilla Elphick is currently completing her PhD in Psychology on the topic of eyewitness identification at Sussex University. We have been assisted by Paul Livingston, a barrister specialising in employment and discrimination law at Outer Temple Chambers.
- 4.** We are submitting evidence because of our on-going research on workplace harassment, and because we have recently released a tool to improve the recording and reporting of workplace harassment.
- 5. Methods and aims.**
  - 5.1. We conducted broad preliminary research into all forms of workplace harassment and discrimination, as we wanted to understand how much harassment is experienced, how much is reported, and what the repercussions of reporting are. So, we conducted a literature review to summarise existing research in the field (this research paper has recently been accepted by the European Association of Psychology and Law for oral presentation). This research also provides evidence to some of the Committee points, which will be addressed in turn in Section 6.

5.2. This literature review has informed the development of a new AI-powered tool, *Spot*, for recording and reporting workplace harassment and discrimination. Talkspot.com offers a free chatbot that uses the evidence-based Cognitive Interview to ask questions and removes some of the traditional barriers to reporting, by allowing the logging and reporting of incidents in private, and by allowing anonymous reporting. We hope that the encouragement to contemporaneously record incidents of sexual harassment, which produces a time-stamped PDF report, will improve the quality of evidence available to the worker and the employer if the harassment is eventually reported.

**6. Main research findings from all English-language research on sexual harassment since 2000.** The evidence will be set out to answer the Committee's specific points in turn.

**6.1. Reporting.** This section provides research findings on reporting statistics.

6.1.1. Research studies conducted over the past 18 years have shown that the overwhelming majority of cases are never reported – with as little as 3% of sexual harassment and discrimination being reported in some industries.

6.1.2. It is estimated that up to 75 percent of workplace sexual harassment goes unreported, whereas 90 percent goes unreported overall (NSVRC, 2016).

6.1.3. Victims of harassment rarely report formally, often preferring to find ways in which to end the harassment without formal complaints and investigations.

**6.2. Demographics.** This section provides research findings on: (i) how widespread sexual harassment in the workplace is. (ii) who experiences sexual harassment in the workplace.

- 6.2.1. Figures suggest that anywhere between 38% to 60% of women, and approximately 17% of men have experienced some form of sexual harassment at work.
  - 6.2.2. Women between the ages of 18 and 34 are the most likely age demographic, where two out of three reported having experienced sexual harassment at work.
  - 6.2.3. Black women in low-wage positions were more likely to report having experienced sexual harassment than Caucasian women.
  - 6.2.4. Levels of sexual harassment are even worse in the service industry (e.g. restaurants) with estimates of more than 90% of women working in the service industry experiencing some form of sexual harassment (MSNBC, 2014).
  - 6.2.5. Those in more vulnerable positions in the workplace are more likely to be targeted. For example, disabled workers, pregnant women, and older people are three times more likely to experience harassment than the overall workplace population.
  - 6.2.6. The prevalence of harassment is more disconcerting for LGBT workers. A national transgender discrimination survey (2009) reported that more than 97% of LGBT workers experience some form of workplace harassment (this figure represents general harassment, and includes sexual harassment).
  - 6.2.7. More than 80% of women in full-time employment believe gender-based harassment is still present in the workplace (this figure represents general harassment, and includes sexual harassment).
- 6.3. **Consequences.** This section provides research findings on: (iii) what the impact of sexual harassment is.

6.3.1. Sexual harassment is linked to reduced job satisfaction and increased staff turnover, and there is an additive effect: the more types of harassment experienced, the lower the job satisfaction.

6.3.2. Sexual harassment is also associated with health issues and there is an accumulative effect: with each addition of a different type of harassment, health outcomes decline.

6.4. **Barriers to reporting.** This section provides research findings on: (iv) actions that the Government and employers should be taking to change workplace culture to give people more confidence to report sexual harassment.

6.4.1. Unclear definitions of sexual harassment, job status, work environment, fear of consequences, and disclosing personal matters are among the most commonly cited reasons that employees fail to report sexual harassment.

6.4.2. Complainants are more likely to suffer from retaliation/victimisation when they have lower incomes or a lower rank than the alleged perpetrator. Fear of retaliation/victimisation is a barrier to reporting, and can be affected by other complaints being dealt with poorly.

6.4.3. Formal investigative processes are often highly contentious, harassment often persists and worsens, and complainants often face retaliation/victimisation from the alleged perpetrator or co-workers because their identities cannot be kept confidential. This can deter others from reporting.

6.4.4. We would like to introduce our chatbot *Spot* (see Section 7 for more information) as a tool that facilitates reporting. *Spot* is the first tool that uses AI capabilities to enable workers to record and report workplace harassment and discrimination, without talking to a human.

6.4.5. If a user chooses to file a report to their employer anonymously, Spot will protect their identity by sending an edited version of the PDF report through its server.

6.4.6. To combat some of the barriers noted above, Spot includes: (a) A legal handbook providing some clarity on definitions of harassment and other legal concepts; (b) The ability for employees to make their first disclosure to a chatbot rather than a human, reducing the fear of discussing personal matters; (c) The ability for employees to submit anonymous reports, thus reducing the risk that employees will decide not to report due to fear of retaliation/victimisation.

**6.5. Facilitating reporting and reducing harassment.** This section provides research findings on both: (iv) actions that the Government and employers should be taking to change workplace culture to prevent sexual harassment, give people more confidence to report sexual harassment, and make this issue a higher priority for employers, and (v) how workers can be better protected from sexual harassment by clients, customers and other third parties.

6.5.1. A positive organisational climate (i.e. where training is provided, a strong anti-harassment policy is implemented, and where effective reporting methods are in place) decreases harassment rates and improves the productivity of employees.

6.5.2. *Spot* provides people with an effective reporting method, as it has put the power of prevention and detection directly into their hands.

6.5.3. *Spot* is also free and available at any time to employees who wish to report inappropriate behaviour, which they can choose to do anonymously.

6.5.4. *Spot* can also support an anti-harassment policy, as it has a handbook that provides definitions and explains the processes involved in reporting.

- 6.5.5. A positive organisational climate decreases harassment rates, reduces retaliation against those who confront and/or report harassment, and improves the productivity and psychological outcomes of employees.
- 6.5.6. Employees feel more satisfied and committed to an organisation with a perceived positive organisational climate, where harassment is reported, acknowledged, and corrected.
- 6.5.7. Therefore, if organisations introduce and encourage the use of tools like *Spot*, employees should feel more satisfied and committed to the organisation.
- 6.5.8. Providing options for reporting harassment, including anonymous methods, choices to whom a report can be made, or who should lead the investigation can facilitate reporting.
- 6.5.9. *Spot* provides reporting options for people, as it enables people to report and record harassment without talking to a human, and can submit an edited version of the report anonymously, on their behalf.
- 6.5.10. When complainants are satisfied with the organisation's handling of cases, they are less likely to pursue legal redress against an organisation.
- 6.5.11. Health-related consequences of sexual harassment can be avoided when organisations have systems in place to encourage reporting and to respond to it appropriately.
- 6.5.12. Therefore, if organisations introduce and encourage the use of tools like *Spot*, we anticipate that this is likely to reduce the extent of any ill-health which is the direct result of sexual harassment.

6.5.13. Retaliation is least likely when complainants make a formal rather than an informal report, something which can be done more easily (and anonymously) using *Spot*.

## **7. *Spot*. An evidence-based tool for reporting without talking to a human**

7.1. *Spot* uses the evidence-based Cognitive Interview to collect pertinent information.

7.2. The basis for an effective Cognitive Interview is to ask open-ended questions. The technique was originally developed to help police to gather information from complainants and other witnesses ethically (and is currently used by the police forces in the UK).

7.3. The open-ended questions are followed by “probes” that prompt the user to go into more details.

7.4. Unlike some human interviewers, *Spot* does not go off script and cannot ask leading questions, as it was designed to mimic the best quality technique.

7.5. *Spot* creates certified, private and time-stamped PDF reports, that can be used as evidence in internal grievance procedures or in an Employment Tribunal/court if necessary.

**8. Conclusion:** We found that there was very little research into the reporting of harassment, and the studies we found were difficult to generalise. However, it was clear that that most cases of sexual harassment are never reported. We concluded that there were barriers to reporting that can be overcome with positive organisational changes and better reporting methods, such as *Spot*.

***\*Note: All references can be obtained by request.***



**March 2018**