



STAMP OUT SEXUAL HARASSMENT

A GUIDE FOR CWU REPRESENTATIVES

INTRODUCTION

The CWU opposes all forms of workplace discrimination, including sexual harassment. Sexual harassment in the workplace is unacceptable, unlawful, and must be addressed with the utmost seriousness.

To support our representatives, we have developed these guidelines to help identify what constitutes sexual harassment, understand its impact, outline how complaints can be made, and explain the remedies available to protect workers.

This guide also provides information on Employment Equality legislation and [the Code of Practice on Sexual Harassment and Harassment at Work](#) issued by the Irish Human Rights and Equality Commission (IHREC). Both the legislation and the code aim to protect employees and offer clear guidance on addressing sexual harassment

Representing a sexual harassment case requires careful preparation, sensitivity, and a strong understanding of workplace policies and relevant legislation. This guide has been created to support representatives by providing information and direction when dealing with sexual harassment issues.

This guide aims to provide representatives with the following:

- A clear definition of sexual harassment at work and who may be affected
- An overview of the legal framework on sexual harassment under the Employment Equality legislation
- Guidance on representing members and handling allegations of sexual harassment
- The CWU's approach to managing complaints

DEFINING SEXUAL HARASSMENT

The Employment Equality Act 1998-2015 (EEA) defines sexual harassment as 'any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, degrading, humiliating or offensive environment for the person.'

Sexual harassment is not limited to physical acts; it can take many forms. Under civil and employment law, even a single incident may constitute sexual harassment, meaning the behaviour does not need to be repeated to be considered unlawful.

The conduct must be unwanted, and this is determined by the individual experiencing it. A person may also decide that behaviour they previously tolerated or went along with has become unwelcome. It is the unwanted nature of the conduct that distinguishes sexual harassment from behaviour that is welcome or mutual.

Under equality law, employees are protected from harassment by employers, co-workers, clients, customers, service users, business contacts, and others they may encounter through work. This includes suppliers, cleaners, maintenance workers, contractors, students, volunteers etc.

UNDERSTANDING THE LAW

The Employment Equality Act 1998-2015 protects employees from employment-related sexual harassment and harassment based on one or more of the following prohibited grounds:

- Gender (e.g. male, female, transgender. Also covers persons who are treated less favourably due to pregnancy or taking maternity leave)
- Civil status (single, married, separated, divorced, widowed or in a civil partnership)

- Family status (e.g. pregnant, parent or carer)
- Sexual orientation (e.g. heterosexual, homosexual or bisexual)
- Age (for people aged 18 or over)
- Religious belief (including religious background and those who have no religious beliefs)
- Race (colour, nationality, ethnic or national origin);
- Disability (intellectual, mental or physical)
- Membership of the travelling community

Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of people at work.

Examples of Sexual Harassment

Sexual harassment can take many forms. The aforementioned 'Code of Practice' on this subject offers a useful (non-exhaustive) list of examples of sexual harassment at work. They include:

Physical conduct of a sexual nature: this may include unwanted physical contact such as unnecessary touching, patting, or pinching or brushing against another employee's body, assault and coercive sexual intercourse;

Verbal conduct of a sexual nature: this includes unwelcome sexual advances, propositions, or pressure for sexual contact, continued suggestions for social contact outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted, or offensive, suggestive remarks, innuendo or lewd comments, graffiti, written materials, emails, text messages or social media posts;

Non-verbal conduct of a sexual nature: this may include the display of pornographic or sexually suggestive pictures or objects. It may also include stalking, indecent exposure, leering, whistling, or making sexually suggestive gestures; and

Gender-based conduct: this includes conduct that denigrates or is abusive of an employee for reasons related to his or her sex such as derogatory or degrading abuse or insults -

which are gender based. This might include conduct that insults or degrades an employee because she is pregnant or because s/he is transgender.

Sometimes sexual harassment is not obvious and the IHREC has provided the following example.

A woman working in a hotel complained about a male co-worker who treated her in a sexist manner.

She said she was called offensive terms, laughed at and excluded from conversations. The Labour Court decided that this treatment was sexual harassment because it was a direct result of the man's negative views towards women.

It decided that the employer was responsible for the sexual harassment even though none of the actions could be described as sexual.

UNDERSTANDING THE IMPACTS OF SEXUAL HARASSMENT

It is important, when representing a complaint, to understand the impact that sexual harassment can have on the member making the complaint. The following are some of the potential consequences of workplace sexual harassment:

○ Emotional and Physical Issues:

Victims of sexual harassment may experience a range of emotional and physical symptoms, including loss of appetite, weight loss or gain, migraines, mood swings, depression, and sleep difficulties. Lack of sleep can also contribute to additional health issues such as high blood pressure and a weakened immune system. Many victims experience ongoing mental and behavioural effects, including anxiety, sadness, nervousness, low self-esteem, and reduced assertiveness.

○ Workplace Productivity/

membership impacts: A workplace culture that tolerates sexual harassment—or fails to follow up on complaints—affects all employees. A toxic environment can lead to disengagement, reduced motivation, and a loss of trust in the employer. The affected member may struggle to concentrate, resulting in decreased performance and increased absenteeism.

○ **Financial impacts:** Sexual harassment can harm not only a victim's health but also their financial stability. Affected employees may face further discrimination, such as being overlooked for promotions or workplace opportunities. They may also be negatively affected by internal processes, including performance reviews, sick leave, and sick pay.

Some members may ultimately choose to leave their job, which can create additional financial strain.

According to an Irish Congress of Trade Unions survey, one in seven sexual harassment incidents had taken place on the phone, by email or online. Therefore, sexual harassment also covers both the offline and online world with an increase in this unwelcome behaviour over social media messaging apps.

WHO CAN BE AFFECTED AND WHERE DOES IT HAPPEN?

While women are statistically more likely to be affected, anyone can experience sexual harassment, regardless of age, gender, race, or other characteristics. It is far more common than many people realise.

The laws prohibiting harassment and sexual harassment in employment also apply to work-related activities such as conferences, training events, office parties, and interactions on social media platforms. Again, according to the ICTU survey, one in five reported incidents of sexual harassment occurred at a work-related social event.

This means that even when the behaviour takes place outside normal working hours or outside the physical workplace, it may still fall under the scope of workplace sexual harassment if it occurs in connection with a work-related event.

Harassment can also negatively affect employees who are not directly targeted but who work in an environment where such behaviour is normalised, undermining the dignity and wellbeing of everyone in the workplace. This also includes witnesses to sexual harassment.

SEXUAL HARASSMENT AS A TRADE UNION ISSUE

Sexual harassment, if allowed to persist, undermines the Union's objective of ensuring dignified and respectful workplaces. As a Union, we must take sexual harassment seriously in order to reassure victims that they will receive support and representation.

Employers have a duty of care towards their employees and are legally responsible for the actions of their staff during the course of employment. It is good practice for employers to have workplace policies and procedures in place to address sexual harassment, and these should be agreed with the Trade Union.

Such policies and procedures must focus on prevention, remedial action, and be fully and effectively implemented to ensure that complaints are properly addressed.

Employers must also have an accessible complaints procedure.

In effect, an employer is legally accountable for harassment experienced by employees in the course of their employment unless the employer can demonstrate that reasonable steps were taken to prevent it, to remedy its effects, and to prevent it from happening again.

Furthermore, if an employer becomes aware of sexual harassment—even in the absence of a formal complaint—they still have a duty to act. The CWU believes that all management should receive comprehensive training on how to deal with sexual harassment, and that complaints, policies, and procedures should be regularly monitored to ensure they remain up to date with equality legislation, the relevant Code of Practice, and court precedents.

It is equally important that our own representatives receive appropriate training, which is provided by Union head office.

REPRESENTING MEMBERS

All CWU representatives should respond promptly and professionally to any complaint of sexual harassment. It is essential that our Union remains accessible and visible to members affected by sexual harassment, ensuring they understand the support available to them.

1. Establish the Facts in a safe Environment.

- **Seek a safe, confidential space:** When the impacted member approaches you, as soon as possible, make sure you find a confidential space or Union office to have a conversation and ensure that the member is comfortable to speak there.
 - **Focus on the member's well-being:** Ask the member what they need at this moment. Some members may feel safer with two representatives in the room or prefer to talk to another woman/man, or the branch equality representative. Offer and facilitate this option if requested.
 - **Signpost to appropriate supports:** If the member says their mental or physical health has been affected by the impacts of the reported sexual harassment, discuss support options and signpost them to the-
- to the appropriate services e.g. the company's Employee Assistance Programme (EAP), the Samaritans etc. A list of support services can be found at the end of this guide.
- **Listen and be supportive:** Be mindful that a member disclosing sexual harassment may express a wide range of emotions and behaviours, including shock, fear, confusion, guilt, disbelief, agitation, distress, or anger. They may experience these feelings whether the incident occurred recently or in the past. Your role is not to assess the accuracy of their account but to listen with empathy and compassion, helping the member feel safe and supported throughout the process.
 - **Take detailed notes:** You should take detailed notes of the complaint, including dates, times, locations, and any witnesses and that these details are confirmed with the member. You should also encourage the member to complete the CWU incident report log found in their toolkit. Advise them to record as much detail as possible and gather any relevant evidence, such as emails, messages, or documents connected to the complaint.
- When taking notes, keep in mind that traumatic experiences can affect memory. A member's recollection may be fragmented or inconsistent, and they may appear confused, highly emotional and distressed,

or alternatively detached and unemotional. Retelling the incident can itself be traumatic and may contribute to mental health difficulties such as PTSD, mood changes, anxiety, or depression. Again, if this is the case, signpost the member to the relevant support services at the end of this guide.

Your notes are therefore important in recording:

- What happened and when?
- Who was involved?
- Where it happened?
- How it happened?
- Were there any witnesses?

Make sure to record as much detail as possible and store all written notes securely, as they may be relevant to the reporting options outlined in step 3 below. All written records must be maintained carefully and in accordance with GDPR requirements.

You should also establish whether any previous complaints have been made about the individual concerned or if there is a poor work environment where unwelcome behaviour is not challenged. This will help determine whether the matter is a collective issue rather than an individual one. This is important as sexual harassment may also have a damaging impact on employees who are not themselves directly the subject of sexual harassment,

but who may experience a workplace culture where sexual harassment is normalised and undermines the dignity of workers.

2. Know the Policies & Legislation

- Review the company's sexual harassment policy in the employee handbook or the collective bargaining agreement. Keep in mind that procedures related to sexual harassment may also be outlined in the company's Dignity at Work Charter or Anti-Bullying and Harassment policy.
- Ensure you are familiar with the relevant legislation addressing sexual harassment in the workplace, as outlined earlier in the section Defining Sexual Harassment.
- If necessary, seek guidance from the Union head office and inform the member that you intend to obtain additional advice, with their agreement so as to maintain confidentiality.

3. Reporting Options

When discussing reporting options, the privacy and choices of the member making the disclosure must always be respected. The CWU encourages members affected by sexual harassment to report incidents to the employer and/or the CWU, and to contact the Gardaí in cases involving sexual assault and criminal behaviour.

Reporting to the Employer:

First, clarify what the member wants:

- Do they wish to file a formal or informal complaint?
- Have they advised the person complained of about the unwanted behaviour, either in-person or in writing?
- What do they consider a successful outcome?

Using the information the member provides, guide them through the reporting options available under the employer's policy. You should explain the informal process, the formal process, and mediation where applicable.

If the matter proceeds through the employer's policy, you must attend meetings with management as the member's chosen Union representative. Ensure that no retaliation occurs against the member for raising the issue as they must not be treated unfairly for making a complaint in good faith. You should insist on a fair, transparent investigation that is handled in a timely, confidential, and sensitive manner.

Reporting to the CWU:

In circumstances where the person complained of is a representative

of the CWU and the sexual harassment complaint occurred at a CWU event, conference or in connection with a CWU organised activity, the member has the option of making a complaint under the CWU's Code of Conduct. Copies are available on the CWU website in the members' area and from CWU head office.

Reporting to Gardaí:

Some forms of sexual harassment may constitute a criminal offence. This can include, but is not limited to, stalking, indecent exposure, or physical violence. If the harassment involves sexual violence or assault, members can be encouraged to report the matter to the Gardaí, particularly at an early stage, as this may support the outcome of any future investigation should they later choose to make a formal report.

However, it is not your role to decide what the member should do next; that decision must remain with them. Your responsibility is to ensure they are informed of their options and to signpost them to appropriate support services or the EAP.

Reporting to a Third Party:

Employees may choose to make a complaint under employment equality legislation, provided it is submitted within the statutory time limits.

The Workplace Relations Commission (WRC) is the primary body, though not the only one, that investigates or mediates claims of unlawful discrimination, including sexual harassment, under the Employment Equality Acts 1998–2015. Members may submit a complaint using the WRC's online complaint form.

The CWU advises members to notify their employer of any sexual harassment they are experiencing. In most cases, complaints should be raised internally first, using the company's complaints procedure, before submitting a complaint to the WRC or the Circuit Court.

If internal procedures are not feasible, or if the member believes the process is unduly delayed, they will need to outline this to the WRC or the Court when proceedings commence.

It is essential to note that a complaint must be lodged with the WRC within six months of the most recent incident of sexual harassment, regardless of the progress of any internal investigation.

The statutory time limit does not pause during internal processes and continues to run from the date of the latest incident. More information on how to take a case can be found at the [Irish Human Rights and Equality Commission website](#).

The WRC advises that despite the obligation to conduct hearings in public, cases of a sensitive nature such as sexual harassment can be conducted in private.

Where a member seeks Union representation for a referral to the WRC, **the matter must be escalated to the relevant National Officer**. Cases should not be referred to the WRC by an individual Union representative without National Officer intervention. Union head office will determine whether a claim should be pursued and, if so, will work with the Union representative to progress the case. This must be done promptly to ensure compliance with statutory deadlines.

Non-reporting:

It may be the case that the member does not wish to take the matter further and simply wants their Union representative to listen. Given the nature of sexual harassment, members should be encouraged to seek appropriate support, including assistance from the EAP or an external support organisation.

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However, where a member does not wish to take any specific action in response to the incident, they should be advised that they still have the option of recording the incident. The CWU's sexual incident log can assist with this process. Keeping a detailed record may be helpful should the member decide to make a complaint in the future, provided it is again within the relevant statutory timeframes.

Underreporting:

Representatives should also be aware that sexual harassment is significantly underreported in Ireland. For example, an ICTU survey found that four out of five workers who experience sexual harassment at work do not report the incident to their employer.

There are many reasons for this, including concerns that the matter will not be handled appropriately, fear of not being believed, or apprehension that reporting sexual harassment may lead to less favourable treatment.

Union representatives should reassure the member that they will receive the Union's full support throughout the process and that the CWU will work to ensure the employer addresses complaints effectively. Trade Union representatives, therefore, play a vital role in supporting members who have been affected.

4. Taking Action:

Once a member has decided how they wish to proceed, Union representatives should take the following actions:

- Support the member in completing a record of the incident using the CWU's Sexual Harassment Incident Log. It is important that the member keeps their own notes and prepares their account in their own words.
- Advise the member on how to set out their complaint in writing, including the date and time of the incident(s), the names of any witnesses, and any supporting documents or evidence.



- Assist the member in raising the matter with the person complained of, where this forms part of the informal process. If the member wishes you to do this on their behalf, it is advisable to have their written complaint. You should also keep notes of any intervention made with the person complained of, including their response.
- Advise the member on how to raise the matter in writing with the employer.
- Accompany and represent the member at all relevant procedural meetings.
- Obtain advice or assistance from CWU head office as required and with the knowledge of the member.

Further Considerations

In certain circumstances the person making the complaint may request accommodations such as changing shifts, requesting that they or the person complained of are relocated where possible, or taking other steps towards ensuring a safer work environment for them. The Union representative should discuss these options with relevant management on behalf of the member. If the employer fails to act, you should raise this with a more senior Union officer.

5. Maintaining Records

Keeping records and documenting incidents of sexual harassment provides several important benefits:

- It enables members to maintain accurate accounts of incidents of sexual harassment.
- It supports the monitoring of incidents, helping to determine whether an issue is isolated or part of a wider pattern. Identifying whether a matter is individual or collective is essential, as collective issues may require further intervention from senior Union officers.
- It creates a record of any internal actions taken, which may be useful in establishing whether reasonable steps were taken to address the harassment and may assist members in any future legal claims.

Records relating to sexual harassment complaints will inevitably contain highly sensitive personal information. It is therefore essential that they are protected in accordance with GDPR and data protection legislation. Further guidance on Union data-protection policy can be obtained from Union head office.

The member making the complaint also has a right to seek 'material information' from the employer about alleged acts of sexual harassment or harassment, the employer's failure to address them and relevant procedures.

The CWU Approach to Preventing Sexual Harassment

The CWU believes that every member has the right to a safe and respectful working environment that values diversity. We must work collectively to ensure that our members' workplaces are free from harassment and discrimination. Branches and representatives play a vital role in shaping positive workplace cultures by promoting dignity and respect.

Branches are encouraged to take a visible lead in preventing sexual harassment by raising awareness of the issue among members and fostering safe spaces where individuals feel empowered to speak up.

The following tools and suggestions have been developed for use and consideration by branches and representatives.

First Responder Checklist: This checklist is intended to guide CWU representatives when a member reports an incident of sexual assault or sexual harassment.

CWU Sexual Harassment Members' Guide: Designed to help members recognise sexual harassment, make informed choices about reporting and understanding what support is available.

CWU Sexual Harassment Incident Log: Created for members to record incidents of sexual harassment. Branches are encouraged to make the incident log accessible for members use.

Downloadable Posters: Various posters are available for download from the CWU website. We suggest that these be posted on Union noticeboards and can also be emailed to all members of the branch.

Invite the branch equality representatives to address your committee meetings or AGM: Holding meetings and inviting equality representatives or the equality officer to promote awareness of sexual harassment in the workplace demonstrates that the CWU takes sexual harassment seriously. It also provides members opportunities to talk to someone they may feel more comfortable with.

All sexual harassment materials are on the CWU website under [campaigns](#).

Further Advice for Representatives

Impartial: Remember that you must stay impartial in these situations, as the complaint is coming from the member and not you.

Who to represent: You cannot represent or advise both parties to a complaint. You must represent the person who approaches you first and refer the other person to another trained member of the branch. Also, if you are a witness to any reported incident, then you are involved in the complaint and need to refer the member to another representative.

Seek advice: When in doubt, always seek advice from Union head office with the permission of the person you are representing.

Looking after our Representatives

Hearing disclosures of sexual harassment or any form of workplace violence can be challenging. It is important that representatives supporting members affected by sexual harassment practise self-care and access appropriate support when needed. Union head office is always available to provide guidance as required.

As CWU representatives, your wellbeing is essential. You can also access your company EAP or seek Union support. Furthermore, and as previously advised you should signpost members to the appropriate support services when additional assistance is needed, such as counselling or support for mental or physical health concerns. These forms of support fall outside the scope of Union representative duties, which is to provide workplace representation in line with company policy.

Sources of Further Information and Support

Members requiring information and/or further support following experiences of sexual harassment, sexual assault or rape can contact one or more of the sources listed below.

They may also wish to engage with your organisation's EAP.

· Cosc: The National Office for the Prevention of Domestic, Sexual and Gender-based Violence
cosc.ie

· Dublin Rape Crisis Centre - national 24-hour helpline Freephone 1800 778888
www.drcc.ie

· Sexual Assault Treatment Unit services - www.hse.ie/satu

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- Crime Victims Helpline - www.crimevictimshelpline.ie/ / Freephone 116 066
- Samaritans - www.samaritans.org/ / 24-hour helpline Freephone 116 123
- Women' Aid - <https://www.womensaid.ie/>
- Further information can be found through Citizens Information here: [equality and discrimination disputes.](#)
- The following from the Irish Human Rights and Equality Commission is also a useful source of information: <https://www.ihrec.ie/ga/factsheets/harassment-and-sexual-harassment-at-work>
- Advice can also be sought through CWU Head Office. <https://www.cwu.ie/contact-us/>

The Communications Workers' Union (CWU) in Ireland would like to thank the Communications Workers' Union UK and Union Network International Global Union (UNI Global Union) for their inputs and assistance in drawing up these guidelines.

Note: Please note that while every effort is made to ensure the content is accurate, the CWU does accept liability for any loss resulting from inaccuracies or errors contained therein.

Furthermore, the content of this document does not provide a legal interpretation of any of the referenced Acts. At all times you should refer your concerns to the relevant National Officer for further guidance.

This document will be monitored on a regular basis to reflect best practice and any changes in relevant legislation.





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