

Written evidence submitted by The Suzy Lamplugh Trust to The Employment Rights Public Bill Committee (ERB65).

About Suzy Lamplugh Trust:

Suzy Lamplugh Trust has over 35 years' experience supporting victims of violence, abuse and aggression including stalking and harassment. We campaign for better protections for victims in policy and law and have championed Suzy's Charter for Workplace Safety which sets out a framework which employees can use to create a culture of personal safety.

We also run the National Stalking Helpline, which has supported over 75,000 victims of stalking to date. Our team of specialist stalking advocates support victims through the criminal justice process by helping them understand their rights, log evidence, apply for stalking protection orders, and stay up to date on their case. In many cases, stalking advocates represent the victim when dealing with the police, courts, solicitors, and other professionals within the criminal justice system.

About Rights of Women:

Founded in 1975, Rights of Women are the only charity dedicated to providing frontline legal advice to women experiencing all forms of violence against women and girls in England and Wales. We also campaign for access to justice and safety for all women.

Introduction:

The introduction of the Worker Protection Act 2023 aimed to address the issue of sexual harassment in the workplace by creating a "preventative duty", requiring employers to take reasonable steps to prevent sexual harassment from happening in their workplaces. However, enforcement can only occur after sexual harassment has been experienced, limiting its preventative function and excluding other forms of Violence Against Women and Girls (VAWG) in the workplace such as other forms of harassment and all forms of violence including physical, psychological, and emotional abuse. Having ratified the International Labour Organization (ILO) Convention 190 (C190) on Violence and Harassment, the UK now needs legislation that will require employers to proactively create a safe work environment by implementing clear policies against violence and harassment, with an emphasis on a "gender-responsive approach" that addresses VAWG. This is why **we support the NC39 and NC40 amendments introduced by Liz Saville Roberts MP that propose using a Health and Safety Framework to address VAWG in the workplace and to establish a new duty on employers to prevent violence and harassment in the workplace, including VAWG, through amendments to Section 2 of the Health and Safety at Work Act 1974.**

Halving Violence Against Women and Girls (VAWG)

1. The Government aims to halve VAWG in the next decade, which requires a cross-departmental and public health approach, going beyond a focus on criminal justice. One means to achieve this is by leveraging health and safety legal frameworks to require employers and all entities subject to these laws to actively work towards eliminating VAWG, making it everybody's business.
2. Home Office figures¹ show that VAWG costs the UK economy approximately £66 billion annually, including public service expenses and lost economic output. Domestic abuse accounts for £16 billion of this amount, with around £1.9 billion lost due to decreased productivity, unplanned absences, and lost wages. Therefore, supporting survivors and addressing VAWG in the workplace is beneficial not only for affected workers but also for the broader economy and public services.
3. Recent media reports show that VAWG occurs not only between intimate partners but also among colleagues in the workplace. Incidents of sexual assault and rape at Harrods, the CBI, BBC, and McDonald's are examples of how such criminal behaviours went unaddressed and escalated. The tragic murder of Gracie Spinks² by a colleague who stalked her, despite her repeated reports to her employer, highlights the dangers of employer inaction. This reluctance endangers women's lives and jeopardises their livelihoods.
4. Despite these reports and what the VAWG sector hears from survivors, the scale and impact of VAWG in the workplace remains overlooked. Reports of sexual assault, rape, stalking and coercive control from colleagues make up 56% of calls to Rights of Women's Sexual Harassment at Work advice line.³ We also know that 4% of all callers to the National Stalking Helpline in the year ending March 2024 were stalked by a colleague or former colleague.⁴ Currently, there is no government data collection or requirement for employers to report VAWG to any public bodies or regulators. As a result, the true extent of VAWG remains largely unknown and is often concealed within confidential employment disputes.
5. Outdated social attitudes contribute to the perception that VAWG is a "private matter" and "not their business," creating fear and uncertainty about how employers should respond. Policy and legal developments have primarily focused on sexual harassment, which is just one form of gender-based violence. This neglect by employers highlights a significant gap in the law that must be addressed.

¹ <https://assets.publishing.service.gov.uk/media/5f637b8f8fa8f5106d15642a/horr107.pdf>

² <https://www.theguardian.com/uk-news/2023/oct/31/eight-women-harassed-killer-gracie-spinks-inquest>

³ Rights of Women data from July 2021 to September 2024.

⁴ National Stalking Helpline data for the year ending March 2024.

The International Labour Organization (ILO) Convention 190 (C190) on Violence and Harassment

6. ILO C190⁵ is an international law recognising the right to work free from violence and harassment, placing an obligation on employers to promote this right (Art. 4(1)). It provides a framework to prevent and eliminate violence and harassment in the workplace, including gender-based violence (GBV), through *Recommendation No. 206*.⁶
7. The UK ratified C190 in 2022⁷ to enhance worker protections against workplace violence and harassment across various sectors. C190 requires employers to proactively create a safe work environment by implementing clear policies against violence and harassment, providing employee training, and establishing reporting procedures that protect against retaliation. C190 offers recommendations for adopting preventative measures against workplace violence and harassment, emphasising a “gender-responsive approach” that addresses GBV (which can be used interchangeably with the term VAWG).
8. C190 defines violence and harassment as unacceptable behaviours intended to cause or likely to cause physical, psychological, sexual, or economic harm, including threats associated with GBV and harassment. C190 stipulates employees, workers (irrespective of contractual status), interns, apprentices, workers who have been terminated, volunteers, and job applicants must be protected and be prevented from violence and harassment:
 - a. From third parties;
 - b. Towards migrant workers and informal economy workers, and
 - c. In public and private places of work, commuting to work and work-related communications.

Limitation of Current Legal Frameworks in Meeting ILO C190

9. The Health and Safety at Work Act 1974 mandates that employers have a duty to ensure the health, safety, and welfare of their employees at work as far as is reasonably practicable. The Management of Health and Safety at Work Regulations 1999 requires thorough risk assessments and preventive measures.
10. Starting in October 2024, the Worker Protection Act will require employers to prevent sexual harassment of employees in the workplace. However, enforcement can only

⁵ https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

⁶ https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:4000085:NO

⁷ https://assets.publishing.service.gov.uk/media/618cf77b8fa8f50382034c8d/MS_7.2021_ILO_Violence_Harassment_Convention_190.pdf

occur after sexual harassment has been experienced, limiting its preventative function and excluding other forms of VAWG. It also does not address other recommendations of ILO C190, including:

- a. Threats of violence and harassment;
- b. Protection for interns, volunteers, or job applicants;
- c. All forms of harassment, as it focuses solely on sexual harassment;
- d. All forms of violence, which encompasses sexual violence within sexual harassment but excludes domestic violence, including physical, psychological, and emotional abuse; and
- e. Commuting to work, which is inconsistently covered by health and safety laws.

Lack of Regulation for VAWG in the Workplace

11. The Equality and Human Rights Commission (EHRC) regulates equality and human rights law, such as discrimination in employment, education, and public services. However, its mandate limits its ability to address VAWG's health and safety implications within the workplace. The Equality Act addresses sexual harassment as discrimination, excluding other forms of VAWG, which remain significant workplace safety issues in need of regulation.
12. Employers can adopt domestic abuse policies voluntarily, as recommended by the EHRC in guidance to employers on domestic abuse (the Welsh version is over a decade old⁸). However, much of the currently available guidance assumes domestic abuse occurs outside the workplace and outside the remit of the employer's liability and does not align with the Statutory Guidance to employers in the Domestic Abuse Act 2021⁹, which states that employers should consider the impact of domestic abuse on their employees as part of their duty of care under health and safety law as regulated by the Health and Safety Executive (HSE).
13. Despite a growing body of evidence recognising that GBV and harassment harm workers' mental and physical health of workers, the HSE has been adamant in denying that GBV constitutes a workplace hazard. In its evidence to the Women and Equalities Select Committee's 2018 inquiry on sexual harassment, the HSE stated clearly that it has a policy of not applying the Health and Safety at Work Act 1974 when they deem other agencies or regulators to have more specific responsibilities.¹⁰

⁸ <https://www.equalityhumanrights.com/sites/default/files/violence-against-women-domestic-abuse-sexual-violence-workplace-policies.pdf>

⁹ https://assets.publishing.service.gov.uk/media/62c6df068fa8f54e855dfe31/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf page 122

¹⁰ <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1801/180102.htm>

14. The HSE's 2024 guidance on violence and aggression at work¹¹ maintains that it is not the primary authority for bullying, harassment, or domestic abuse in the workplace, viewing these issues as disciplinary matters between employers and employees and as areas that fall outside the scope of health and safety regulation. This stance conflicts with the UK's ratifying of the ILO C190 and the Domestic Abuse Act 2021. The HSE is currently advising workers to report harassment to the EHRC, the Advisory, Conciliation and Arbitration Service (ACAS), or the police¹², which is misleading for the following reasons:
- a. The EHRC regulates only sexual harassment, not domestic abuse or other forms of VAWG;
 - b. ACAS is not a reporting body or regulator; only the EHRC and HSE have statutory authority over employers, and
 - c. The police can take action against individual perpetrators under criminal law, allowing employers to evade accountability.
15. Furthermore, the EHRC has significantly weaker enforcement powers and resources than the HSE and cannot impose fines on employers. In contrast, the HSE can enforce compliance with health and safety regulations through inspections, fines, and prosecution. For example, in 2024, the HSE fined two care homes in Wales a total of £400,000 for failing to manage the risk of violence from patients.¹³ This underscores the need for employers to have a positive duty to prevent violence and harassment proactively since they face possible liability and fines after incidents occur anyway.

Using a Health and Safety Framework to Address VAWG in Workplace

16. Health and safety legal frameworks are essential for addressing VAWG by establishing a structured approach to safeguard women from the spectrum of GBV in the workplace and beyond. Updating these frameworks to include robust, proactive measures allows for a systematic, collective, and publicly enforceable approach to GBV prevention.
17. In 2024, the ILO published, "*Addressing gender-based violence and harassment in a work health and safety framework*".¹⁴ The report recommends creating a comprehensive approach to preventing and addressing GBV in the workplace (including sexual harassment) through enhanced health and safety frameworks, including mandatory:
- a. Policies that explicitly acknowledge GBV;
 - b. Risk assessment and management, and
 - c. Training.

¹¹ https://www.hse.gov.uk/violence/employer/the-law.htm#legal_advice

¹² <https://www.hse.gov.uk/stress/reporting-concern.htm>

¹³ <https://www.walesonline.co.uk/news/wales-news/staff-member-former-mental-health-27290763>

¹⁴ <https://www.ilo.org/publications/addressing-gender-based-violence-and-harassment-work-health-and-safety>

18. **We recommend that the Government adopt the ILO and C190 recommendations by establishing a new duty on employers to prevent violence and harassment in the workplace, including GBV, through amendments to Section 2 of the Health and Safety at Work Act 1974.** Additionally, "Workplace Harassment and Violence Prevention Regulations" could be implemented, modelled after Canada's approach (although this neglected to recognise GBV).¹⁵

19. The proposed legal reform aims to:

- a. Prevent violence and harassment against workers before harm occurs;
- b. Provide employers more opportunity to avert legal liability from the outset;
- c. Protect workers during their commutes to and from work;
- d. Ensure adequate regulation and clarify the HSE's mandate regarding all forms of VAWG in the workplace;
- e. Develop a statutory guidance binding on employers to prevent VAWG in the workplace.
- f. Comply with the recommendations of C190, as ratified by the UK.
- g. Create a multifaceted approach aimed at reducing VAWG in the next decade.

Case Studies

20. **Allegations of sexual abuse against Mohamed Al Fayed:**

Accused of multiple counts of rape and attempted rape by several women who worked for him, Al Fayed was never held to account for his behaviour despite being the owner of Harrods, the Ritz Paris hotel and the football club Fulham FC at the time of the alleged assaults.

The BBC details decades of serious sexual abuse allegations by women who were working for him with incidents taking place at both Harrods and the Ritz Hotel in Paris. These alleged assaults were known to members of staff: "Steve", who worked for the billionaire during this time, tells the BBC in the 2024 documentary that security staff "did know that certain things were happening to certain female employees at Harrods and Park Lane". It is important to note that Harrods has already reached financial settlements with the majority of people who have approached them since 2023 and has had new inquiries this week.

On 24 September, ex-Harrods chief executive James McArthur told the BBC he witnessed "abhorrent" behaviour from Al Fayed, but not sexual abuse. He was chief executive for 10 months in 2008, a time when the Metropolitan Police investigated an alleged assault on a 15-year-old girl in a Harrods boardroom.¹⁶

¹⁵ <https://www.laws-lois.justice.gc.ca/eng/regulations/SOR-2020-130/index.html>

¹⁶

<https://www.bbc.co.uk/news/articles/cgj4521d4q6o#:~:text=2023%20%2D%20In%20July%2C%20Harrods%20begins,at%20the%20hands%20of%20Fayed.>

21. Alex Belfield, ex-BBC DJ convicted of stalking his colleagues:

Alex Belfield is a former BBC radio presenter who was serving a five-and-a-half-year sentence for harassing four people online and has been made the subject of a stalking protection order. He has also been charged with stalking eight different people, most of them current or former BBC staff (including BBC Radio Northampton presenter Bernard Spedding, known as Bernie Keith, and videographer Ben Hewis).

Female BBC employees who were harassed online by Alex Belfield accused the corporation of failing to help them, leading the BBC to conduct an internal review. One of the victims, Liz Green stated "I asked repeatedly for help. I was receiving emails, YouTube videos and tweets which were defamatory and damaging. I wanted it to stop, and I was told there was nothing that could be done. [...] My mental health has been destroyed. I've been suicidal. My confidence in what I do and who I am is eroded, and I feel let down by my employer." She continued on to say: "We were BBC employees doing our jobs, targeted because we were in those jobs. At one point in court, I was asked by the prosecuting KC what it had been like and I replied that it felt like 'having a noose around my neck throughout my BBC career'. [...] I do believe there were catastrophic failings with regards to us in terms of duty of care and our health and safety and, as such, have asked for an independent review."¹⁷

22. NHS surgeons being sexually assaulted whilst operating

Numerous female surgeons working for the NHS came forward to say they were being sexually harassed assaulted and in some cases raped by their colleagues whilst surgery was taking place in the operating theatre. The study found a pattern of female trainees being abused by senior male surgeons in NHS hospitals, to the point where sexual harassment, sexual assault and rape have been referred to as surgery's open secret.

The analysis conducted by the University of Exeter, the University of Surrey and the Working Party on Sexual Misconduct in Surgery found that nearly two-thirds of women surgeons who responded to the researchers said they had been the target of sexual harassment and a third had been sexually assaulted by colleagues in the past five years.

Women said they feared reporting incidents will damage their careers and they lacked confidence the NHS would take action.¹⁸

23. Gracie Spinks was murdered by an ex-colleague who stalked her at work:

Gracie Spinks, 23, worked for a company in Chesterfield called Xbite where she met a male colleague, Michael Sellers, who was employed as a supervisor at the same

¹⁷ [https://www.bbc.co.uk/news/uk-england-nottinghamshire-65777861#:~:text=Belfield%2C%20originally%20from%20Mapperley%20in,current%20or%20former%20BBC%20staff.](https://www.bbc.co.uk/news/uk-england-nottinghamshire-65777861#:~:text=Belfield%2C%20originally%20from%20Mapperley%20in,current%20or%20former%20BBC%20staff.;); <https://www.bbc.co.uk/news/uk-england-nottinghamshire-63228842>.

¹⁸ <https://www.bbc.co.uk/news/health-66775015>

company. Sellers failed to accept Gracie's decision and became obsessed and fixated with her. Gracie Spinks reported his behaviour to Xbite in January 2021, and he was subsequently dismissed from Xbite in February 2021. This was after he watched her on CCTV at work and asked other colleagues to spy on her. Sellers stabbed Gracie Spinks to death when she went to see her horse before killing himself.

An inquest into Gracie's death found that 7 other Xbite employees had received unwanted attention from Sellers as well as another woman who had worked with him at a previous workplace. Some of the women had left their jobs due to his behaviour whilst he continued to work at Xbite. Most of these women describe Sellers physically tracking them or messaging them repeatedly online during and after their employment at the company. One victim was only 17 years old and according to the inquest "wasn't aware Michael Sellers had a fascination with her but people at Xbite were aware because they noticed he was watching her." Other women did say that the company was aware and spoke to him about his inappropriate behaviour.

24. Jaysley Beck, 19, took her own life after suffering relentless sexual harassment in the Army

Royal Artillery Gunner Jaysley Beck, 19, took her own life following relentless sexual harassment by one of her bosses.¹⁹ We understand Jaysley Beck to have been stalked due to the repetitive and unwanted nature of the behaviours towards her perpetrated by one person. The Army investigation into her death details how her line manager was responsible for allocating tasks and would ensure they were working together. She expressed fears he was tracking her movements via her mobile phone. This service inquiry report described "an intense period of unwelcome behaviour" and found it to be almost certainly a "a causal factor in her death". Her mother, Leighann McCready, said that she had urged her daughter to report her superior, but that Beck was reluctant to do so because of the way the Army had dealt with her complaint of a sexual assault by another of her seniors a few months before.

25. Reports of a 'toxic' and 'hostile culture at the Ministry of Defence

In a letter to the Ministry's permanent secretary, sixty senior women at the department alleged sexual assault, harassment, and abuse by male colleagues.²⁰ According to the letter, attempts by women at the Ministry of Defence to speak out against the behaviour were "generally minimised rather than listened to, and it is common knowledge among women that [the MoD's] complaints system is not fit for purpose".

¹⁹ <https://www.bbc.co.uk/news/uk-66982160>

²⁰ <https://www.theguardian.com/uk-news/2023/nov/16/sixty-women-at-mod-complain-of-widespread-toxic-and-hostile-behaviour>; <https://www.theguardian.com/uk-news/2023/nov/16/the-eyes-tracking-me-is-awful-senior-womens-complaints-about-mod-behaviour>.

26. Women in the Submarine Service suffered misogyny and bullying

A Royal Navy Investigation found that women in the submarine service had suffered misogyny, bullying and other unacceptable behaviours.²¹ Sophie Brooks alleged a culture of sexual assault, sexual harassment and misogyny that was widespread within the service. The report highlights instances of senior members telling women to be quiet, and that victims were discouraged from filing complaints of abuse as they would be branded as “troublemakers”. Women make up just over 10% of the service.

December 2024

²¹ <https://www.bbc.co.uk/news/articles/c9wk7ljzg2do>