

Comments by **Orla Bingham, Solicitor in the Employment Department at Payne Hicks Beach** first published by HR Magazine (UK) online on 6 February 2018 and reproduced with kind permission <http://www.hrmagazine.co.uk/article-details/hot-topic-online-sexual-harassment>



Orla Bingham
Solicitor, Employment

Hot topic: Online sexual harassment

Orla Bingham and Sue Evans, FEBRUARY 06, 2018

How can HR protect employees from predatory behaviour online?

A *Financial Times* exposé into a men-only Presidents Club dinner has become the latest in a string of sexual harassment scandals. Another recent *FT* investigation found that technology is fuelling harassment. So should HR be monitoring use of technology at work?

Orla Bingham, an employment solicitor at Payne Hicks Beach, says:

Employers owe employees a duty of care to protect them from such behaviour in the workplace, but it is more problematic when this takes place through social media or technology; not least because it can be harder to detect.

Robust social media and technology policies that strictly prohibit harassment through digital means should be disseminated and the consequences of this behaviour made clear. As evidence of online behaviour is more traceable it should be collected and relied on to discipline the offending employee(s) where appropriate.

However, this evidence is not always easy to access. Close monitoring of employees' technology use is therefore a necessity to tackle this problem, but this must not be excessive or overly intrusive. Where a clear and legitimate reason exists, for example to safeguard workers, monitoring is likely to be justified as long as the workforce are made aware of it, which in itself may be a deterrent.

Sue Evans, managing director of Sevans Refreshing People, says:

When I was at school, too many years ago, bullying happened. It was unpleasant and damaging, much like the bullying and harassment we see today, except for one key element – it stopped when you got home. Whatever happened in the playground or on the bus ceased when you shut the front door. In these social media-savvy days it can be a constant presence, there is no let up, and the audience is vast. The potential for humiliation, abuse and loss of self-esteem seems limitless.

We are better connected now than ever, there is no excuse for not being in touch and in the know. There is also nowhere sacred, nowhere to hide, nowhere to re-group or reboot your self-esteem. It can be relentless. For those who are the target of bullies and who suffer harassment, the use of social media is less about connection and more about exposure. Less about inclusion and more about humiliation.

It is important to balance our need for connection and communication with the need for some personal space and privacy – to be able to shut the door, find peace, remind ourselves of our own worth and let the world turn without us for a while.

