

# Sex and the City

On its one-year anniversary, **Alexandra Carn** examines how the #MeToo movement has changed attitudes and working practices in the City – albeit not always for the better

**S**ome may feel that it remains a case of bad habits dying hard. In September 2018, the Women's Trust published the results of a survey of 4,000 women between the ages of 16 and 30. The poll found that 23 per cent of them had experience of sexual harassment while at work but only 8 per cent had reported it. Reasons for not reporting included lack of knowledge or availability of a complaints procedure and, more concerningly, fear of reprisal, particularly dismissal.

It is of concern that such perceptions prevail when the law on harassment is extensive. Harassment is both a civil and a criminal offence under the Protection from Harassment Act 1997, carrying a criminal sanction of up to five years' imprisonment. Sexual harassment specifically has been a civil offence since the Sex Discrimination Act of 1975. This is now enshrined in the Equality Act 2010, which provides that harassment occurs when a person "engages in unwanted conduct which has the purpose or effect of violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment". Interestingly this does not mean that a person has to have their dignity violated, or indeed be upset by the conduct – a claimant who was aware that colleagues had viewed pornographic material was successful even though she had not viewed the material or made any complaint at the time.

In the employment arena, harassment claims will naturally be brought against the alleged perpetrator, but the employer will often find itself vicariously liable for that person's actions and also a party to the proceedings. There is also an extension of individual accountability under the Senior Managers Regime. Regulators may take action under Section 66 of the Financial Services and Markets Act 2000 if there is a breach of responsibility. Section 66 sanctions include financial penalties, suspension and restrictions. This has far-reaching consequences because suspension means that a person can be prevented from carrying out regulated activities for such period as the Prudential Regulation Authority (PRA) or the Financial Conduct Authority (FCA) considers appropriate. A restriction means that the individual can be prohibited from carrying out certain functions altogether.

The regulator can also make a public statement regarding misconduct. This is important because it can have an instant negative effect on the reputation, share price and, therefore, ultimate value of the institution. All regulated firms and people have a duty to report to the FCA/PRA anything of which they

should reasonably be aware. This raises considerable questions regarding the extent to which reports should be made, the timing of reporting and the particularly thorny issue of the need to self-report.

The City's reputation for sex equality is hardly exemplary. Law firms Baker McKenzie and Linklaters and banks Commerzbank, Credit Suisse and UBS have all been the source of unfortunate headlines this year. But that does not necessarily indicate that things are not changing. Despite lingering concerns regarding reporting, the #MeToo campaign has encouraged people to come forward, and it follows that, if more cases are brought, there will be more headlines.

The *Financial Times* report of the Credit Suisse case stated that it involved incidents that took place in 2010. The victim left the bank but, in the wake of #MeToo, she wrote to the

**“ An employer will often find itself vicariously liable for an accused worker's actions**

chief executive urging him to look again at her historical allegations. A review found that two men had misled the original investigation and withheld vital information. To the victim's credit, the matter was reportedly resolved by Credit Suisse making a "substantial donation" to a women's charity. The bank has also made changes to its harassment procedures, one of which is that all serious complaints will now be escalated to the executive board.

Credit Suisse is not alone in altering its stance on sexual harassment. A report in August 2018 from surveillance systems provider Fonetic reported a 20 per cent increase in requests from banks to monitor telephone calls of employees. Such monitoring searches for market abuse, but it also raises alerts on abusive and derogatory language, which was found to occur eight times more frequently than anything pertaining to financial misconduct. Unacceptable chat is something that financial institutions must address. While sexist and abusive behaviour may have been stamped out on email, it appears to have found a new home on phone lines and Twitter feeds.

When things do go wrong, many financial institutions have sought to protect their reputation by keeping any settlement claims for harassment out of the public eye with robust

non-disclosure agreements (NDAs). Breaching NDAs often has stringent financial penalties, such as the obligation to repay any settlement monies. But in March 2018 the Solicitors Regulation Authority published a warning notice indicating that advising on the inclusion of such clauses could amount to professional misconduct. The current position is that such provisions are potentially unenforceable, which means employers may also face the risk of adverse publicity and criticism if they use them. Such enforced openness sounds admirable, but it is not always a good thing. Not all cases of alleged harassment are clear-cut and there can be substantial conflicts between the statements of the respective parties. In such cases, the complainant may want to accept a financial settlement but employers – who are unable to keep confidential what are, after all, disputed facts – may be reluctant to enter into such an arrangement.

Employers have other reasons to be circumspect. There is a clear gender imbalance in the senior ranks of financial services, but that does not mean that every allegation of sexual harassment is well-founded. It is an unfortunate feature of the legal landscape that people can, and do, make malicious complaints of harassment in an attempt to obtain a financial settlement. Not only is this practice itself abusive, it raises the bar of belief for genuine claims. It also adds fuel to whispers that “diversity” is a vast and growing hype, which discriminates against men, and that those who feel offended are overreacting to banter or, worse, are people who feel that they should be offended, or have a right to be offended, even when they are not.

There is some evidence that #MeToo has triggered a backlash against the inclusion and career progression of women.

Senior men are said to have become “afraid” to be alone with women co-workers for fear of false accusations of impropriety. Men have begun to “protect” themselves by seeking to exclude women from some work situations. That means a loss of some opportunities, particularly mentoring. A study in January 2018 by Lean In, an organisation aimed at empowering women to achieve their ambitions, found that senior men were three-and-a-half times more likely to hesitate to have a work dinner with a junior-level woman than a junior-level man and five times more likely to hesitate to travel for work with a junior-level woman. Almost 30 per cent of male managers said they were uncomfortable working alone with a woman. KPMG, the professional services firm, has reportedly developed a novel way to address this by appointing a man to each of its women’s networks, so that the representation reflects the challenges facing staff.

There is work to be done. Deliberate and ostensible gender bias is fortunately now rare, but unconscious bias still persists and, by its nature, is more difficult to address. There is still a widespread expectation that women will do clerical tasks such as booking meetings or making drinks. Some men unthinkingly value the opinions of men over women and strident behaviour in men is often tolerated while “pushy” women are not. This is just a natural effect of historic gender conditioning. Times are changing, and should be changing, but the pace needs to be right. ■



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# Winter and discontent

*Nadim Choudhury advises on how to stay focused and improve your motivation levels at work when you are suffering from the seasonal blues*

**D**ear Nadim,  
I completed the CeMAP (Certificate in Mortgage Advice and Practice) qualification with The London Institute of Banking & Finance (LIBF) about three years ago and am working for a well-known UK bank as a mortgage adviser. The reason I am writing to you is that I need some help with

my motivation levels. I can’t seem to concentrate at work. I’m often distracted and am not able to complete the simplest of tasks efficiently. Until a few months ago, I always enjoyed my work but, recently, it has been a challenge to stay focused.

I’ve spoken to my line manager about this and she has told me to “pull my socks up”. I’m worried that my lack of motivation and energy is starting to have a negative effect on my work

with customers. Can you please give me some tips to help improve my motivation and get my energy levels back? One thing that always motivated me in the past, and which meant I got great feedback from colleagues, was the knowledge that I was helping clients buy their dream homes. I don't know why I have lost my sense of purpose. Please can you help?

Alice, 37, Hertfordshire

### **Nadim says:**

Hi Alice,

Thanks for your email. You are not alone. Many people find this time of year to be challenging. This usually has to do with the shorter days and longer nights that affects our moods. It is a well-known fact that the lack of sunlight during these winter months can lead to lower levels of vitamin D in our bodies, which affects our moods and energy levels. This could be one reason why you are lacking energy at the moment. Regardless of this, here are my top five tips on how you can improve your motivation levels.

### **Find what motivates you**

For most people, there are usually three primary sources of internal motivation. These are autonomy, mastery and purpose. Spending some time thinking about your personal motivation will help you manage yourself better at work. People usually find that motivation comes from a sense of autonomy – of being in control of our own lives and work, and having the authority to accomplish what needs to be done. Ask yourself how much autonomy do you have in your current role? Do you have the authority to make your own decisions? How important is this to you? Lacking autonomy in a role can undermine motivation.

The second aspect here is mastery. In the financial services sector constant performance improvement – both in terms of product knowledge and work with customers – counts. I am assuming your role as a mortgage adviser requires you to learn continually about the different products and regulations governing the mortgage industry. Ask yourself: do you feel sufficiently challenged in your work and that you are learning? Not adding to knowledge can decrease motivation levels.

The third aspect in finding out what motivates you is understanding your purpose. This is important as it gets to the heart of your professional identity. Why does your role matter? What difference does your work make? What impact does your work have on others – colleagues, family and clients?

If you want to keep yourself motivated, you should think about all three areas and how they apply to your role. This should help you figure out what really drives you.

### **Set small daily goals and organise yourself**

Setting small daily goals that are manageable will help you achieve a much larger purpose. Take some time out to think about your objectives, and then work backwards and write down how you will achieve them. Putting some planning into your work and setting small tasks will help you stay focused and stop you from feeling overwhelmed. One reason many people find it difficult to stay motivated is that they do not know how to organise themselves. Try to use digital to-do lists or any form of task management software that will clearly list your priorities for the day.

### **Ask for feedback from colleagues**

This is a good way to remind yourself of your real strengths. Sometimes all it takes is to hear from your co-workers about how much they value your work to help boost your motivation levels and sense of purpose. Take some time to ask colleagues what they think about what you do. Ask them to be fair and balanced and also to focus on areas that you need to improve.

### **Reward yourself and celebrate success**

Once you have achieved a goal, it is important to celebrate your success, whether that is going for a meal with your team or taking some time to indulge yourself. By highlighting wins and successes, you are likely to appreciate your input to the business and see the value you bring.

### **Exercise**

The link between exercise, mood and energy levels is strong. Look after your health and you are likely to see big pay-offs in your energy levels, concentration ability and general mood. Many people swear that by running/exercising every day they are better able to focus on their work and life and see things more clearly. Give it a go. As mentioned earlier, this time of year can cause motivation problems for many. If none of the above tips works, consider buying a bright LED lamp for your desk. Use of LED lamps has been proven to improve mood and decrease stress among those who suffer from seasonal affective disorder (otherwise known as the winter blues). Good luck.

Nadim ■



**Nadim Choudhury** is head of careers and employability at The London Institute of Banking & Finance. He is a career coach with more than 14 years' experience of working with leading business schools. **Members of the institute are welcome to contact Nadim for free one-to-one coaching by email at [nchoudhury@libf.ac.uk](mailto:nchoudhury@libf.ac.uk). Problems that they would like addressed in the column can also be sent directly to Nadim**