

Sexual Harassment in the Workplace

Worker Protection (Amendment of Equality Act 2010) Act 2023

(26th October 2024)

What is sexual harassment in the workplace?

In the UK, sexual harassment in the workplace is defined under the Equality Act 2010. It occurs when someone engages in unwanted conduct of a sexual nature that violates the dignity of a worker or creates an intimidating, hostile, degrading, humiliating, or offensive environment. The key aspects include:

- **Unwanted conduct:** This refers to behaviour that the recipient did not invite or welcome and finds distressing or offensive. It can be verbal, non-verbal, or physical.
- **Sexual in nature:** The conduct must be of a sexual nature, such as inappropriate comments, sexual advances, touching, or suggestive gestures.
- **Impact on the individual:** The behaviour must have the purpose or effect of violating the individual's dignity or creating an intimidating, hostile, or offensive environment.
- **Sexual harassment can be perpetrated by anyone in the workplace—**colleagues, managers, clients, or others—and applies to all workers, regardless of their gender.

The **Worker Protection (Amendment of Equality Act 2010) Act 2023** will come into force on 26th October 2024.

Under this updated act, all employers are required to take 'reasonable steps' to prevent sexual harassment from occurring. This duty applies during the entire course of an employee's time at work.

Employers will be expected to:

- Create and communicate clear anti-harassment policies
- Engage employees, through surveys, one-to-one meetings, etc, to ensure they are aware of the policy, how they can report sexual harassment, and the implications of breaching the policy.
- Carry out regular risk assessments to establish where sexual harassment could occur
- Train all employees, on how to recognise sexual harassment, what to do if they experience or witness it, how to handle complaints effectively and sensitively.
- Ensure third-party harassment (eg, from customers, suppliers) is recognised and dealt with as seriously as by that of a colleague.

 **Note:** Employment tribunals may increase compensation by 25% if an employer is found to have breached their duty under the new law.

Further Resources and Guidelines

Resources:

<https://www.legislation.gov.uk/ukpga/2023/51/section/1>

<https://www.equalityhumanrights.com/employer-8-step-guide-preventing-sexual-harassment-work#step-3-assess-and-take-steps-to-reduce-risk-in-your-workplace>

<https://www.tuc.org.uk/news/new-tuc-poll-2-3-young-women-have-experienced-sexual-harassment-bullying-or-verbal-abuse-work>