Equality and Human Rights Commission

Preventing sexual harassment at work: a guide for employers

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a guide for employers

Under equality law, employers must take reasonable steps to prevent sexual harassment of workers by their colleagues. If they don't, they will be legally responsible for such harassment.

The Equality Act 2010 defines sexual harassment as unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

With three-quarters of people saying they have experienced sexual harassment at work; the rest having witnessed harassment or supported others (Equality and Human Rights Commission, 2018, '**Turning the tables: ending sexual harassment at work**'); and 68% of lesbian, gay, bisexual and trans people reporting being sexually harassed at work (TUC, 2019, '**Sexual harassment of LGBT people in the workplace**'), no industry is immune from this issue.

Everyone has a right to feel safe and supported at work. If you don't deal with sexual harassment in your workplace, it can have a damaging effect on your workers' mental and physical health. This can affect them across their personal and working life and has a negative impact on workplace culture and productivity.

The following steps should help ensure that you are doing all you can to prevent and deal with sexual harassment in the workplace.

3 out of 4 people

say they have experienced harassment at work

Seven steps to

preventing sexual harassment

Step 1

Develop an effective anti-harassment policy

This should:

- Specify who is protected.
- State that sexual harassment will not be tolerated and is unlawful.
- State that harassment or victimisation may lead to disciplinary action up to and including dismissal.
- State that aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.
- Define sexual harassment and provide clear examples of it. Examples should be relevant to your working environment and reflect the diverse range of people that harassment may affect.
- Include an effective procedure for receiving and responding to complaints of harassment.
- Address third-party harassment. This section should explain clearly:
  - that third-party harassment can result in legal liability
  - that it will not be tolerated
  - that workers are encouraged to report it
  - what steps will be taken to prevent it, and
  - what steps will be taken to remedy a complaint or prevent it from happening again. For example, warning a customer about their behaviour, banning a customer, reporting any criminal acts to the police, or sharing information with other branches of the business.
- Include a commitment to review the policy at regular intervals and to monitor its effectiveness.
- Cover all areas of your organisation, including any overseas sites, subject to any applicable local laws.

Step 2
Engage your staff

Conduct regular 1-2-1s, run staff surveys and exit interviews, and have open door policies.

You should use these to help you understand where any potential issues lie and whether the steps you are taking are working.

Make sure that all workers are aware of:

- how they can report sexual harassment
- your sexual harassment policy, and
- the consequences of breaching the policy.

Step 3
Assess and take steps to reduce risks in your workplace

Consider factors that might increase the likelihood of sexual harassment and the steps that can be taken to minimise them:

- Where are the power imbalances?
- Is there job insecurity for a particular group or role?
- Are staff working alone?
- Are customers drinking significant amounts of alcohol?
- Do your staff have customer-facing duties?
- Is there a lack of diversity in your workforce?

Step 4
Reporting

Consider using a reporting system (an online or independent telephone-based service) that allows workers to raise an issue either anonymously or in name.

Explain clearly to all workers:

- what is considered acceptable behaviour
- how to recognise sexual harassment, and
- what to do if they experience or witness it.

Step 5
Training

Workers should be trained on:

- what sexual harassment in the workplace looks like
- what to do if they experience it, and
- how to handle any complaints of harassment.

In industries where third-party harassment from customers is more likely, workers should also be trained on how to address these issues.

Step 6

What to do when a harassment complaint is made

Act immediately to resolve the complaint taking into account how the worker wants it to be resolved.

Respect the confidentiality of all parties.

Protect the complainant from ongoing harassment or being victimised during an investigation or complaint. For example, move the alleged harasser to another team or site. You should also protect witnesses to the sexual harassment.

If a worker makes a complaint of harassment that may be a criminal offence, you should speak to the individual about whether they want to report the matter to the police and support them with this if they go ahead.

Only use confidentiality agreements (also known as confidentiality clauses, non-disclosure agreements, NDAs, or gagging clauses) where it is lawful, necessary and appropriate to do so. For more information, read our guidance on the use of confidentiality agreements in discrimination cases.

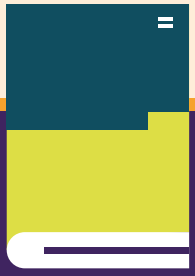
Always communicate the outcome of the complaint to the complainant in a timely manner.

Step 7

Dealing with third parties

Harassment by a third party, such as a customer, client, patient, or supplier, should be treated just as seriously as that by a colleague.

Employers should take steps to prevent this type of harassment, including putting reporting mechanisms in place or assessing high-risk workplaces where staff might be left alone with customers.



These steps are taken from our guidance on harassment and sexual harassment at work. Read the full guide for:

- more information on how the law works, and
- detailed guidance on the steps that you should take to prevent and respond to sexual harassment at work.

Contacts

This publication and related equality and human rights resources are available from our website.

For information on accessing one of our publications in an alternative format, please contact: correspondence@equalityhumanrights.com.

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EASS

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Telephone	0808 800 0082
Textphone	0808 800 0084
Hours	09:00 to 19:00 (Monday to Friday) 10:00 to 14:00 (Saturday)
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