acas working for everyone to resolve and prevent workplace problems

Share and Learn Session – Preventing Harassment

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Agenda

- Welcome
- Sexual harassment reminder
- Legal duties
- Preventing harassment
- Third party harassment

What is sexual harassment?



Sexual Harassment Statistics

- **Qu1.** What percentage of women reported experiencing sexual harassment at work?
- **a. 39% b. 58% c.62%**
- **Q 2.** According to the same TUC survey, what percentage of incidents took place online or by phone?
- **a. 10% b.15% c. 20%**
- **Q 3.** According to a Government survey, what percentage of employees experienced sexual harassment while socialising with colleagues outside work?
- **a. 2% b. 8% c.13%**

Sexual harassment statistics

What do these statistics tell us?

Sexual harassment remains widespread

- More than half of women surveyed reported experiencing it at work.

It is not limited to face-to-face interactions

- Incidents can happen by email, messaging, social media and video calls.

Work-related social events carry risks

- Behaviour outside normal working hours can still be connected to work.

Sources: TUC (2023); Government Equalities Office (2020); ONS/Government Impact Assessment (2024)

What is sexual harassment?

Equality Act 2010 defines sexual harassment as:

"unwanted conduct of a sexual nature which has the purpose or effect of:

- **violating an individual's dignity <u>or</u>**
- **creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual"**



If someone's conduct has this effect on another person it could be considered harassment, even if this was not the person's intention.

Purpose or effect

Someone may have sexually harassed another person if:

- **The conduct was intended to have that effect** (purpose)

- **The conduct had that outcome, even if this was not intended** (effect)



Someone appearing to tolerate behaviour, laughing along, or not initially objecting should not be taken as evidence that it was welcomed or appropriate

Conduct of a sexual nature

Conduct of a sexual nature can include verbal comments and non-verbal, physical behaviours, for example:

- **making sexual comments or 'jokes'**
- **asking about someone's romantic life**
- **photographs, memes, or videos with sexual connotation**
- **gestures**
- **commenting on a person's appearance/ body**
- **assault**
- **touch without consent**
- **sharing or displaying pornographic material**

Is this OK…..

Commenting on a colleague's new dress

Telling jokes of a sexual nature

Colleagues kissing at after work drinks

Giving someone a hug

Colleagues being in a romantic relationship

Touching someone's hair

When does conduct become unwanted?

Sexual interaction that is invited, mutual or consensual is not sexual harassment, because it is not unwanted

Sexual conduct that has been welcomed in the past can become unwanted

It is good practice to ask employees to act in a professional manner, irrespective of their relationships

Legal duties

Employers have a duty to prevent sexual harassment in the workplace. From October 2026 employers must take all reasonable steps to prevent harassment

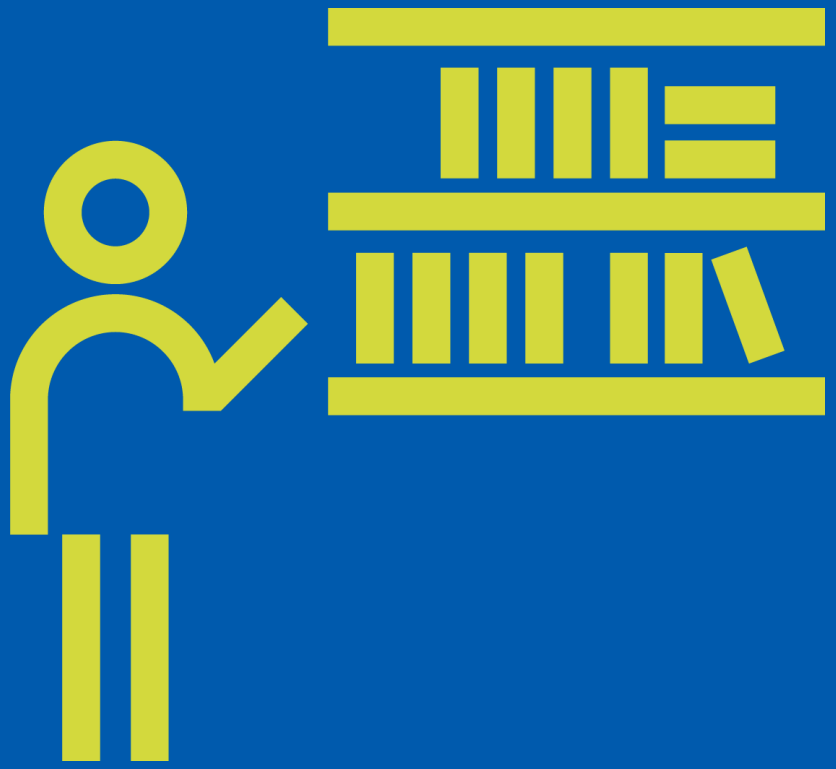
Preventative duties include risks from third parties, such as customers, patients, or service users

If an employer fails to do this award at Employment Tribunal can be increased by up to 25%

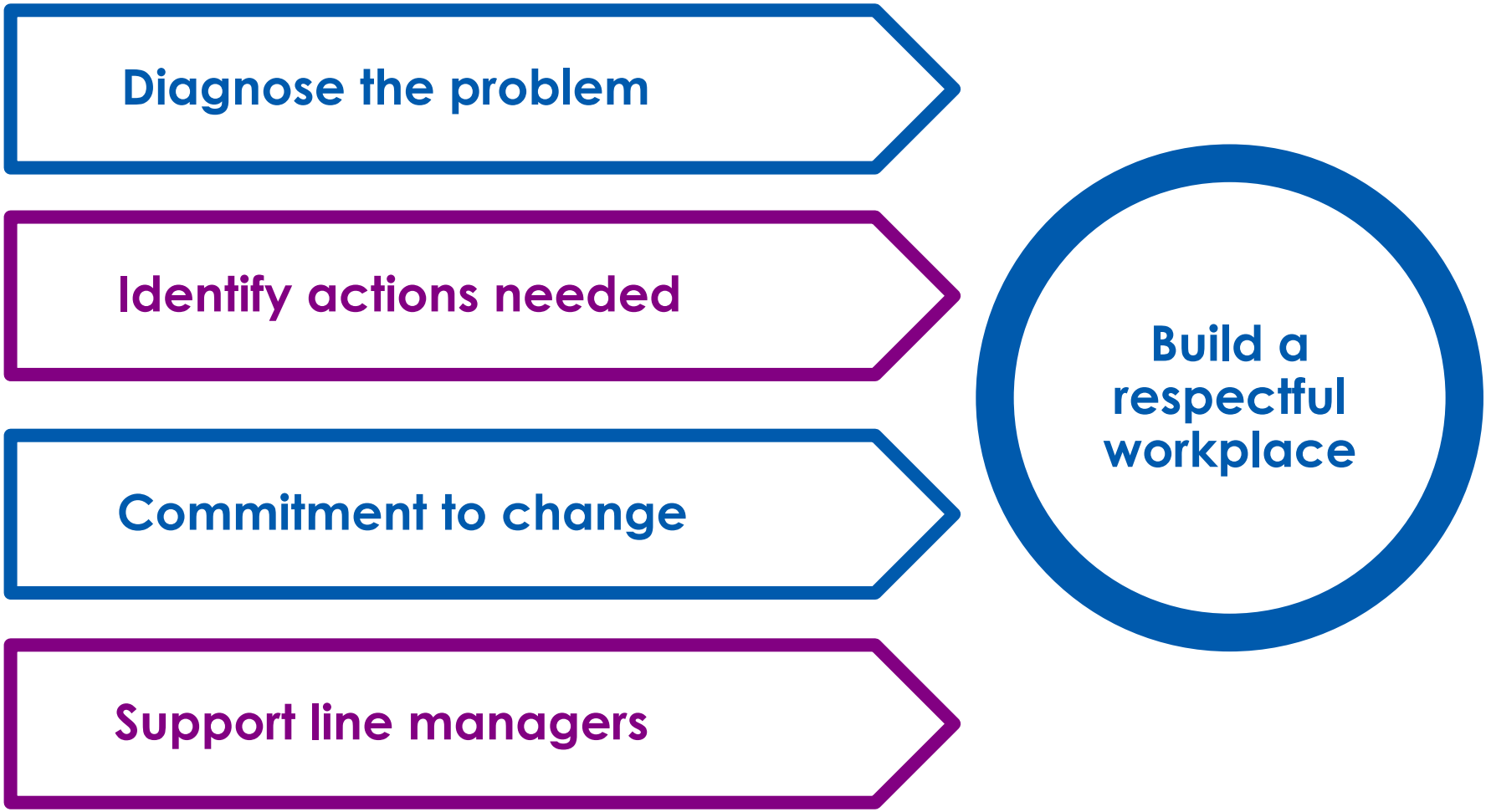
The Equality and Human Rights Commission has power to investigate

Section 2

Preventing sexual harassment



Creating a positive workplace culture



Practical steps



Develop a policy (framework)

What a sexual harassment policy should include

- **What sexual harassment is**
- **Commitment to zero tolerance**
- **How to report concerns**
- **How complaints are handled**
- **Managing third-party harassment**
- **Support for those involved**
- **Time off and adjustments**
- **Assessing and reducing risk**



Keep it accountable and championed from the top

Create a culture where sexual harassment is not tolerated

Employers should make it clear:

- **sexual harassment is unlawful and will not be tolerated**
- **everyone is expected to meet the standards of behaviour**
- **concerns will be taken seriously and reported confidently**
- **complaints will not be ignored**
- **multiple reporting routes are available**
- **misuse of power/authority will not be tolerated**
- **appropriate action may include dismissal where allegations are upheld**



Sexual harassment and whistleblowing

Protection from:

Unfair dismissal

if dismissed for whistleblowing

Detriment

Being treated worse or having their situation made worse because they made a disclosure

You should:

- ✓ handle whistleblowing complaints fairly and consistently
- ✓ follow your organisation's own process
- ✓ keep the identity of the whistleblower confidential

✓ **Consider creating a whistleblowing policy**

Third party harassment

Employers need to take all reasonable steps to protect workers from harassment from third parties.

They should:

- ✓ **evaluate potential risks**
- ✓ **consider all possible steps that could prevent the risks**
- ✓ **consider which steps are reasonable, thinking about:**
  - how effective steps might be
  - how easily they can be implemented
- ✓ **implement all reasonable steps**



Keep records of decision making

Further support

