



People, Culture and Leadership (PCL) Hub Briefing – Sexual Harassment

Date	14 October 2024
Purpose	<p>To provide fire and rescue services (FRS) with a briefing on the Worker Protection (Amendment of Equality Act 2010) Act 2023 and information about what support NFCC is providing to enable FRS to meet the duty.</p> <p>The information provided in this article is intended for general informational purposes only and does not constitute legal advice. Legislation may change over time, so readers should not rely solely on the information provided here and should seek professional legal advice tailored to their specific situation.</p>

1. Introduction

This PCL Hub briefing offers fire and rescue services (FRS) an overview of the Worker Protection (Amendment of Equality Act 2010) Act 2023, effective 26 October 2024. The legislation, an amendment to the Equality Act 2010, introduces a new duty for employers to take reasonable steps to prevent sexual harassment of their staff.

This briefing note will outline:

- What sexual harassment is
- The new legislation
- Steps that employers can take to meet the new duty
- External resources and existing NFCC products
- NFCC's upcoming support
- How to get involved

2. What is sexual harassment?

Sexual harassment is unwanted conduct of a sexual nature. Sexual harassment can be experienced by anyone and is not dependent on gender or sexual orientation.

Examples of sexual harassment include:

- Making sexually offensive jokes or comments
- Displaying or sharing sexually graphic images, including online
- Unwelcome touching, hugging, massaging, or kissing

3. What is new? The new sexual harassment duty explained

What does the new legislation say?

The duty requires employers to take *reasonable steps* to prevent sexual harassment of employees in the course of their employment. Examples of reasonable steps are detailed below in section 4 of this document. Further guidance can be found in the Equality and Human Rights Commission's (EHRC) resource in section 5.

The amendment to existing legislation also introduces changes to compensation that claimants may receive in employment tribunals.

What do these changes mean?

While the Equality Act 2010 already protects individuals from sexual harassment and other forms of harassment related to a person's protected characteristics, the changes to this legislation place an additional proactive requirement on employers.

While the new legislation does not explicitly reference third-party harassment, the requirement for employers to take reasonable steps to prevent any sexual harassment of employees during their employment inherently includes harassment by third parties.

What are the consequences of failing to meet the new duty?

Failing to meet the duty could lead to enforcement action against an employer by the EHRC or an employment tribunal.

An employment tribunal claim of sexual harassment can only be made if it is linked to a harassment claim related to a protected characteristic (such as sex or sexual orientation). However, if an employer is found to have breached the new duty and an employee makes a claim, an employment tribunal can award a 25% uplift in compensation for all claims of harassment.

4. What steps can FRSs take?

With the new duty due to come into force on the 26 October 2024, employers should prepare to take reasonable steps for pre-emptive and protective measures as early as possible. This could include a combination of several actions, focusing on:

- **Policy** - Review contracts, policies, and procedures to ensure they comply with the new duty, and inform all employees of any changes
- **Training** - Implement regular training sessions across the service, tailored to different levels within the organisation, to clearly outline expected standards of behaviour in line with the [Core Code of Ethics](#)

- **Reporting** - Ensure employees have clear, accessible ways to voice harassment concerns, and handle each report seriously, swiftly, and impartially
- **Review** - Regularly audit and monitor complaints for any increasing trends, tailoring training accordingly
- **Engagement** - Seek formal and informal feedback from staff, and use anonymous surveys to encourage open engagement and promote an inclusive workplace culture
- **Notice** - Clearly communicate, through all workplace platforms, that harassment of staff by employees or third parties will not be tolerated
- **Progress** - Regularly monitor and review actions, progress, and any cultural changes, updating risk assessments, training, and records as needed

5. What else? Additional resources for further support

Existing NFCC resources

[Challenging Inappropriate Behaviour Toolkit](#) - Supported by the [Core Code of Ethics](#) and [NFCC Organisational Culture Statement](#), this toolkit offers guidance on peer-to-peer intervention, a framework for challenging inappropriate behaviour, and measures to foster a supportive and inclusive work environment.

[Culture Dashboard Methodology](#) - A culture dashboard will help FRS monitor and understand their culture and how it evolves to identify key issues and successful practices. This will enable conversations between staff and leadership on values, culture, fairness, ethics and diversity, and support evidence-based action.

[Dignity at Work Training](#) - This course explores the skills, language, and techniques required to intervene at both a peer and leader level when dignity, fairness, and respect at work are lacking.

External Resources

Equality and Human Rights Commission (EHRC) - The EHRC enforce the new duty and have recently released updated guidance on sexual harassment at work. They have also created an 8-step guide to preventing sexual harassment at work. Both resources can be found at the links below.

[EHRC - Sexual harassment and harassment at work: technical guidance](#)

[EHRC - Employer 8-step guide: Preventing sexual harassment at work](#)

Advisory, Conciliation and Arbitration Service (ACAS) - ACAS provides employment law and employment relations advice for employers and employees. They have a guidance page explaining more about sexual harassment, which is linked below.

[ACAS - What sexual harassment is](#)

Chartered Institute of Personnel and Development (CIPD) - CIPD is an association of HR professionals and regularly publishes research in various areas around HR practice. Below is their guide for HR professionals.

[CIPD - Sexual harassment in the workplace: Guidance for people professionals](#)

6. What's on? Upcoming NFCC resources and support

The new duty is a key opportunity to build awareness and encourage compliance to prevent sexual harassment in the workplace. We aim to do this by developing a toolkit of resources, guided by sector leads and supported by engagement events over the coming months. Planned activity includes (but is not limited to):

- **Strategic Masterclass** - An opportunity for senior leaders to underpin knowledge and drive strategic change by embedding preventative measures and implementing effective support and reporting mechanisms, led by experts in the field
- **Listen and Learn** - An interactive learning session open to all staff and partners to raise awareness of the new duty, guided by the EHRC, focusing on preventing harassment, discrimination, and victimisation in the workplace
- **Positive Practice** - Identifying and sharing sector-wide initiatives, policies and practices to support prevention and management of sexual harassment
- **Risk Assessment** – Guidance on conducting regular risk assessments to identify potential areas of sexual harassment, steps towards prevention, and a template for services to adopt and build upon
- **Campaigns** - Template digital resources and information to raise awareness of the new duty with links to White Ribbon Day and related calendar events
- **Policy** - Standard policy statement for services to incorporate into existing policy, as required
- **HMICFRS Misconduct Report** - Work in this area and across the PCL Hub will be cross-referenced and visually mapped to support FRS response to the recent HMICFRS misconduct report

7. What's next? Over to you

We would like to hear from you. The PCL Hub want to understand how we can best support FRS in meeting the new duty and sharing best practice.

Please get in touch with the team at PCLHub@nfcc.org.uk if:

- There are specific areas of support that you would benefit from
- You have examples from your FRS that you would like to share with others
- You are interested in reviewing and shaping resources for the toolkit
- You have any questions or would like to discuss parts of this briefing further