

Employer 8-step guide: Preventing sexual harassment at work

Published: 26 September 2024

Last updated: 26 September 2024

The steps in this guide are taken from our guidance on harassment and sexual harassment at work.

[Read the full guide for:](#)

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

Introduction

Under equality law employers must take reasonable steps to prevent sexual harassment of workers.

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.

Under the Equality Act 2010 employers have a positive legal duty to take reasonable steps to prevent sexual harassment of their workers.

This is called the preventative duty. If employers do not comply with it, they are breaking the law. The preventative duty is designed to improve workplace cultures by requiring employers to anticipate how sexual harassment might happen in their workplace and take proactive reasonable steps to prevent it happening.

The preventative duty includes worker-on-worker harassment and harassment by third parties such as customers, clients or patients.

If an employer fails to take reasonable steps, we can take enforcement action. Employers also risk an employment tribunal increasing the amount of compensation if an individual's claim of sexual harassment is successful.

The law does not list specific steps an employer must take. Different employers may seek to prevent sexual harassment in different ways, but all employers must take action and no employer is exempt from the sexual harassment preventative duty.

Everyone has a right to feel safe and supported at work. If you as an employer do not 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. It has a negative impact on workplace culture and productivity.

The practical steps below illustrate the types of action you can take to prevent and deal with sexual harassment in the workplace. These steps are not an exhaustive list, but implementing these steps should help you take positive action to prevent and deal with sexual harassment at work.

Step 1: develop an effective anti-harassment policy

An employer may have separate policies to deal with sexual harassment and other forms of harassment, or a single policy covering both. A good policy should:

- specify who is protected
- state that sexual harassment will not be tolerated and is unlawful
- state that the law requires employers to take reasonable steps to prevent sexual harassment of their workers
- 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 (such as by customers or service users)

The section addressing third party harassment should explain clearly:

- that the law requires employers to take reasonable steps to prevent sexual harassment by third parties
- that while an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claim
- that it will not be tolerated
- that workers are encouraged to report it
- what steps will be taken to prevent it
- what steps will be taken to remedy a complaint and 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

The overall policy should also:

- include a commitment to review the policy at regular intervals, monitor its effectiveness and implement any changes that may be required
- cover all areas of the business 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
- the consequences of breaching the policy

Step 3: assess and take steps to reduce risk in your workplace

Undertaking a risk assessment will help you comply with the preventative duty. When doing a risk assessment, consider factors that might increase the likelihood of sexual harassment and the steps that can be taken to minimise them.

For example:

- Where are the power imbalances?
- Is there a lack of diversity in your workforce?
- Is there job insecurity for a particular group or role?
- Are staff working alone or at night?
- Do your staff have customer-facing duties?
- Are customers or staff drinking alcohol?
- Are staff expected to attend external events, conferences or training?
- Do staff socialise outside of work?
- Do staff engage in crude or disrespectful behaviour at work?

Step 4: reporting

Consider using a reporting system (such as 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
- what to do if they experience or witness it

Keep centralised, confidential records of all concerns raised, formal and informal. This enables trends to be identified.

Step 5: training

Workers, including managers and senior staff, should be trained on:

- what sexual harassment in the workplace looks like
- what to do if they experience or witness it
- 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.

You should review the effectiveness of any training and offer refresher sessions at regular intervals.

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 and outline any appeals process to the complainant in a timely manner.

Step 7: dealing with harassment by 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.

Step 8: monitor and evaluate your actions

It is important to regularly evaluate the effectiveness of the steps you put in place to prevent sexual harassment in your workplace and implement any changes arising from that. This will help you comply with the preventative duty and protect your staff from sexual harassment.

You could evaluate the effectiveness of the steps you have taken by:

- reviewing informal and formal complaints data to see if there are any trends or particular issues and appropriate actions
- surveying staff anonymously on their experiences of sexual harassment, including whether they have witnessed or been subjected to harassment, whether they have or would in the future report it (and if not, why not) and what further steps they think you could take
- comparing reported complaints with survey feedback to ensure you have an accurate reflection of the level of sexual harassment in your workplace, and take appropriate actions
- hold lessons-learned sessions after any complaints of sexual harassment are resolved

You should also review policies, procedures and training regularly. It is important to seek input from workers or their representatives, such as staff networks or trade unions, to consider whether any changes are needed. These changes should then be implemented, where appropriate.

You should also consider whether there have been any changes in the workplace or workforce that mean there are further steps that would now be reasonable for you to take.