

FACTSHEET – EMPLOYERS’ LEGAL DUTY FOR SEXUAL HARASSMENT PREVENTION

As an employer, you must take steps to prevent sexual harassment happening in your organisation. By law, all employers must take reasonable steps to prevent sexual harassment of their employees.

The law is the Worker Protection (Amendment of Equality Act 2010) Act 2023, which came into effect on 26 October 2024.

The law covers sexual harassment from:

- other people at work
- third parties – for example, customers and clients

The new legislation strengthens previous legislation and guidance surrounding sexual harassment. It includes empowering employment tribunals, which now have the power to increase any compensation awarded to an employee by up to 25% if an employer is found to have breached their duty to prevent harassment.

This factsheet covers key steps to ensure your organisation stays compliant and follows best practices and signposts further information.

Update your policies

It is important that organisations have appropriate policies in place that outline how complaints are handled and make it clear that your organisation has a zero-tolerance approach to harassment.

This could be through:

- Equality and Diversity Policies
- Grievance Procedures
- A specific procedure or policy about sexual harassment

Or a combination of the above.

Ultimately your policies and procedures regardless of format need to cover:

- The definition of sexual harassment, including examples of both verbal and non-verbal conduct.
- A clear zero-tolerance stance towards all forms of harassment, including from third parties.
- The procedures for employees to report incidents of harassment confidentially.
- The steps you will take to investigate complaints and discipline offenders, including third-party harassment.

It's important that all your policies match up. You should check all relevant and related policies, for example:

- discipline
- social media / acceptable use of IT
- dress code



0161 518 5550

Charity no. 1182039



fundinganddevelopment@buryvcfa.org.uk



[Click here to become a Bury VCFA member](#)



BURY
VOLUNTARY
COMMUNITY
& FAITH
ALLIANCE

For example, your social media policy should also clearly state that online sexual harassment will not be tolerated and explain how your organisations deals with malicious posts and messages etc.

Considering Risks

Do not assume that sexual harassment cannot happen in your organisation. Sexual harassment can happen in any organisation. You should assess any possible risks in your organisation.

In your risk assessment, consider any factors specific to:

- the type of work you do
- ways of working
- different roles in your organisation

Higher risk factors might include things like:

- meeting clients or service users alone
- an environment where people are drinking alcohol
- work-related social events
- power imbalances between staff
- travelling for work, including overnight stays

You should also be aware that some staff might be at higher risk. For example:

- younger staff, including apprentices and work placements
- people with learning difficulties

Provide Training

It's advisable to provide regular training to all staff and volunteers, including managers. This can be formal training or via other mechanisms such as team meetings and induction processes.

This should include:

- Tell everyone that sexual harassment is not acceptable – for example, as part of their induction
- Train all staff and volunteers on sexual harassment and how to recognise it.
- Training and supporting managers on how to assess and manage the risks of sexual harassment

All Bury VCFA members have access to the Bury Council MElearning platform that includes a training course around sexual harassment in the workplace which has been updated for the new legislation.



0161 518 5550

Charity no. 1182039



fundinganddevelopment@buryvcfa.org.uk



[Click here to become a Bury VCFA member](#)



BURY
VOLUNTARY
COMMUNITY
& FAITH
ALLIANCE

Ensure Reporting Mechanisms

Your reporting mechanisms should be covered in policies such as your complaints/grievance procedures and your whistleblowing policy as relevant. The guidance produced by the Equality Human Rights Commission recommends three key considerations:

- Confidentiality: Assure individuals that reports will be handled confidentially and without retaliation.
- Clarity: Ensure staff and volunteers know exactly how to report harassment, whether from colleagues or third parties.
- Support systems: Consider how you can provide support for those affected by harassment. This may be through employee assistance or wellbeing programmes or by linking to other organisations, such as Victims Support.

Investigate and Act Swiftly

The legislation states that employers should take timely and effective action when harassment is reported. You should ensure that all complaints are investigated thoroughly, impartially, and urgently.

Key steps include:

- Impartial investigations: Appoint an appropriate investigator. This may be a manager (not connected to the individuals involved or a board member).
- Appropriate action: This will vary depending on the situation but can include disciplinary action. In the case of third-party harassment, it may include taking disciplinary action where required and considering the impact of third-party harassment. This may include barring problematic customers from the premises or taking legal action if necessary.
- Follow-up: After the investigation, check in with affected employees to ensure they feel supported and that the issue has been resolved.

Please note: Some forms of sexual harassment automatically break criminal law and are, therefore, crimes. These include:

- stalking
- [indecent exposure](#)
- 'upskirting'
- any sexual harassment involving physical contact (this amounts to sexual assault in English and Welsh law)

Other forms of sexual harassment might also break criminal law, depending on the situation. For example, suppose someone carries out sexual harassment behaviours on more than one occasion that are intended to cause another person alarm or distress. In that case, they may be committing the crime of harassment.

In cases of sexual harassment where a crime was committed, individuals should be encouraged and supported to report it to the police.



0161 518 5550

Charity no. 1182039



fundinganddevelopment@buryvcfa.org.uk



[Click here to become a Bury VCFA member](#)



BURY
VOLUNTARY
COMMUNITY
& FAITH
ALLIANCE

Monitoring

You should regularly check:

- if your policies and procedures for preventing sexual harassment and handling complaints are working
- how effective your training around sexual harassment is

For example, you could do anonymous staff surveys. As well as keeping a record of sexual harassment complaints to watch for any patterns of unwanted behaviour. You may need to make changes and take other steps to prevent it from happening again.

Sources of Further Information and Support

- EHRC – has published guidance on the new legislation - www.equalityhumanrights.com/media-centre/news/ehrc-publishes-updated-workplace-sexual-harassment-guidance-ahead-change-law
- ACAS – have developed a guidance page - www.acas.org.uk/sexual-harassment
- NHS England – has produced guidance and a Sexual Safety Charter that any VCSE provider funded via the NHS can sign up to - www.england.nhs.uk/publication/sexual-safety-in-healthcare-organisational-charter/
- Victim Support – information around sexual harassment and assault, including sources of support - www.victimsupport.org.uk/you-co/types-crime/sex-crimes/sexual-harassment-and-assault/



0161 518 5550

Charity no. 1182039



fundinganddevelopment@buryvcfa.org.uk



[Click here to become a Bury VCFA member](#)



BURY
VOLUNTARY
COMMUNITY
& FAITH
ALLIANCE