

Worker Protection Act (2023)

Law

Preventing Sexual Harassment in the Workplace

Legal Framework

- Equality Act 2010: Defines and prohibits sexual harassment, with penalties up to dismissal for perpetrators.
- Worker Protection Act 2023: Amends the Equality Act, requiring employers to take "reasonable steps" to prevent sexual harassment. Enforced by the Equality and Human Rights Commission.

Key Requirements

1. Organisational Culture
 - Leaders should establish a culture of dignity, respect, and inclusion.
 - Values should be actively demonstrated and embedded.
2. Policies & Procedures
 - Develop clear policies defining sexual harassment and responsibilities.
 - Update and promote policies regularly to reinforce commitment.
 - Encourage a "speak-up" culture and provide accessible reporting channels.
3. Training & Development
 - Provide mandatory, regular training for all staff on recognising and preventing harassment.
 - Cover sexual harassment during employee onboarding.
4. Risk Assessment
 - Identify and address workplace areas at higher risk for harassment.
 - Assess vulnerabilities, considering specific roles or locations.
 - Out-of-Work Events & Third-Party Liability [Remind staff that policies apply to offsite events / Make third parties aware of harassment policies and consequences]
5. Reporting & Investigation
 - Ensure confidential, accessible reporting channels.
 - Investigate all complaints fairly and thoroughly, maintaining confidentiality when possible.
6. Out-of-Work Events & Third-Party Liability
 - Remind staff that policies apply to offsite events.
 - Make third parties aware of harassment policies and consequences.

Action Steps for Employers

- Implement Proactive Policies: Ensure policies are well-understood, easily accessible, and reviewed regularly.
- Provide Training: Ensure all staff are trained, and record all sessions as evidence of compliance.
- Promote a Safe Culture: Encourage reporting and demonstrate that complaints are handled with urgency and confidentiality.
- Assess Risks and Address Vulnerabilities: Routinely identify and mitigate potential harassment risks.

Consequences of non-compliance

- Failure to prevent sexual harassment could lead to a 25% increase in tribunal awards against employers.

