

WORKER PROTECTION ACT.



“ New preventative duty for employers to address sexual harassment in the workforce.”

KEY FACTS

Starting October 26, employers must take ‘reasonable measures’ to prevent sexual harassment in the workplace. The Equality and Human Rights Commission (EHRC) updated its guidance, emphasising that employers must act proactively, not reactively.

This “anticipatory” duty means measures should be in place before any harassment occurs. The steps required will vary by company size, industry, and resources, but all employers are responsible.

CONSEQUENCES FOR NON-COMPLIANCE:

If an employee files a sexual harassment claim, tribunals can increase compensation by up to 25% if the employer is found to have breached its duty. Tribunals will assess whether adequate steps were taken. Additionally, the EHRC has powers to investigate, issue notices, make binding agreements, and seek court injunctions—even if no harassment has yet occurred.

THIRD-PARTY HARASSMENT:

Employers must also prevent sexual harassment by third parties, such as clients or customers. While workers can't file standalone claims for third-party harassment, employers are still required to take reasonable steps to address it.

PRACTICAL STEPS FOR EMPLOYERS

1. Develop a Robust Anti-Harassment Policy:

This policy should state that sexual harassment is unlawful and intolerable, explain how complaints will be handled, and address third-party harassment. Regular reviews and consistent application are essential.

2. Engage Employees:

Encourage open communication through meetings, surveys, and exit interviews. Employees must understand the policy and know how to report harassment.

3. Conduct a Risk Assessment:

Assess potential risks, such as power imbalances or isolated work environments, to identify areas where harassment is more likely to occur.

4. Implement a Reporting System:

Establish anonymous reporting systems, such as online or telephone-based options, supported by grievance procedures or "Speak Up" policies.

5. Train Your Staff:

Regular training for both employees and managers on recognizing, responding to, and preventing harassment is crucial.

6. Handle Harassment Claims Appropriately:

Act immediately to protect the complainant, investigate promptly, and communicate outcomes clearly.

7. Address Third-Party Harassment:

Take harassment by third parties seriously and implement clear reporting procedures, especially for high-risk situations.

8. Monitor and Review:

Regularly evaluate your preventative measures. Use anonymous surveys and review complaint data to refine your approach.

WHAT IS GATTACA DOING?

We began preparing in the spring with a new Anti-Bullying, Harassment, and Sexual Harassment Prevention policy, which outlines the new legislation and how employees and employers should respond.

We conducted a full risk assessment to shape e-learning for employees, face-to-face training for managers, and workshops on inclusive culture.

We're also creating a document to share with clients, outlining how our employees should be treated, in line with our values.

To ensure a safe environment, we're integrating these practices into our onboarding process and reinforcing them with reminders across all our sites. We're confident that our proactive approach, supported by a zero-tolerance policy, will foster a safe and respectful workplace for everyone.

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