

# New legislation to prevent sexual harassment webinar

Thursday 19<sup>th</sup> 2024



David Sheen  
Public Affairs Director  
**UKHospitality**



Rebecca Thomas  
Head of Employment Policy  
**Equality and Human Rights  
Commission**



Julie Dennis  
Head of Inclusive Workplaces Policy  
**ACAS**



# Employment Rights

“Our imminent employment rights bill will...deliver the **biggest upgrade to rights at work** for a generation and is a vital step in the delivery of the Make Work Pay plan.

# Worker Protection Act

## Preventative Duty

---

Rebecca Thomas  
Head of Employment Policy  
September 2024

# Background

---

## Turning the Tables - 2018

- **#metoo movement shone light on sexual harassment at work**
- **Ran call for evidence**
- **Workers and employers responded**
- **Identified key areas for change**
  - Mandatory preventative duty enforceable by the EHRC
  - Acas to develop targeted sexual harassment training
  - Employers to publish and promote anti-sexual harassment policies
  - Government to monitor scale and nature of workplace sexual harassment
- **Led to government commitment to strengthen protection**

# Worker Protection Act

---

# What is the Worker Protection Act 2023?

- Government supported a Private Members Bill in 2023
- Comes into force on 26 October
- Preventative duty: positive obligation on employers to consider and respond to sexual harassment
  - Requires employers to take 'reasonable steps'
  - Includes harassment by third parties
- Compensatory uplift
- Enforcement power for EHRC

**Note: sexual harassment has always been unlawful under the Equality Act 2010 – preventative duty is an upfront obligation**

**Duty applies to all employers regardless of size**

**What is reasonable will vary by employer but all employers must take action**



# What support is available?

- UKH/EHRC checklist and action plan for hospitality sector in 2022
- Updated sexual harassment and harassment at work technical guidance
- Short form 'eight steps' guidance
  - Practical reasonable steps employers can take



---

## EHRC regulatory approach

- **Act gives EHRC power to take enforcement action**
  - Regulating the duty isn't just about taking legal action
- **Need to take intelligence-led approach**
- **Work with Acas and partners to understand how employers are responding or where they might be struggling**
- **Will consider further guidance / resources**
- **Power to investigate and enter into legal agreements e.g. MacDonalds; Sainsburys**

# Thank you

**acas** working for everyone  
to resolve and prevent workplace  
problems

## Sexual harassment in the workplace – good practice overview



Options for people who experience sexual harassment are:

- **Raise the issue informally**
- **Raise a grievance**
- **Consider tribunal action**
- **Seek additional support**

People don't always take action because they:

- **Fear they won't be believed**
- **Don't want to be seen as a troublemaker**
- **Will be treated badly**
- **Don't see it as serious**
- **Don't think it will make a difference**

# How Sexual harassment manifest itself in the workplace

**A one-off  
incident**

**Repeated  
behaviour**

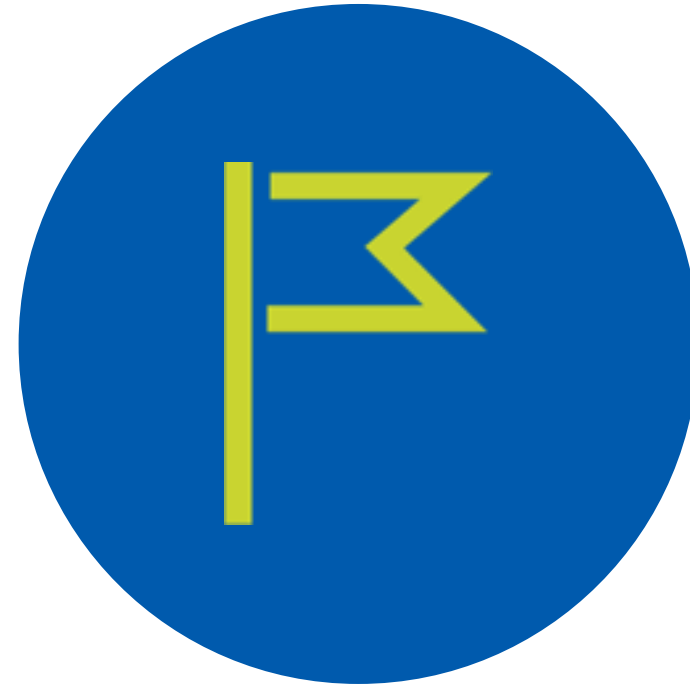
**Overheard**

**Conduct  
outside the  
workplace**

# What's the impact?

If sexual harassment is tolerated, employers could experience:

- **Tribunal claims**
- **High absence levels**
- **Resignations**
- **An increase in grievances**
- **Lack of engagement and demotivated staff**
- **Lower productivity**
- **Lack of respect for colleagues and management**
- **Negative publicity**



# Practical steps for employers

- **Complete risk assessments**
  - Identify all possible steps and then assess whether they are reasonable
- **Having a clear policy in place**
  - Examples of sexual harassment
  - Statement of expected behaviour
  - Complaints procedure
- **Train all of you workforce**
- **How a complaint will be handled**
  - In line with Acas Discipline & Grievance Code of Practice
  - Focus on behaviour
  - Undertake evaluation / lessons learnt exercise.





# Cultural change is key



# Questions...

