**Guidance for schools on the new duties relating to sexual harassment in the workplace**

The Equality and Human Rights Commission (EHRC) has published [updated guidance](https://equalityhumanrights.com/sexual-harassment-and-harassment-work-technical-guidance) on how employers should deal with sexual harassment in the workplace.

The guidance covers sexual harassment, harassment and victimisation, and anticipates changes to employers’ obligations under the [Worker Protection Act](https://www.personneltoday.com/hr/worker-protection-act-sexual-harassment-laws-go-ahead/), which comes into force on 26 October 2024.

Under the new rules, employers have a positive legal duty to take steps to stop sexual harassment at work, meaning they must be proactive about prevention and how they deal with complaints.

EHRC’s updated guidance includes a number of recommended actions for employers, including:

* Developing and widely communicating a “robust” anti-harassment policy, including third-party sexual harassment;
* Undertaking regular risk assessments to identify where sexual harassment may occur, and identifying steps to address risk;
* Looking out for warning signs in the workplace and being “proactively aware”, through surveys and exit interviews; and
* Monitoring and evaluating how effective these steps are.

Once the law change is in force, if an employment tribunal finds that a worker has been sexually harassed, it must consider whether the preventative duty has been met. If not, the employer could be ordered to pay up to an additional 25% compensation.

The EHRC has updated its 8-step guide for employers on sexual harassment in the workplace:

[Employer 8-step guide: Preventing sexual harassment at work | EHRC (equalityhumanrights.com)](https://www.equalityhumanrights.com/employer-8-step-guide-preventing-sexual-harassment-work)

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.

**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.

**Step 4: reporting**

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

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.

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 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.