



NCS HR
HR SOLUTIONS

Sexual Harassment

Change in legislation from
26th October 2024

Hosted by Nicola Smith, HR director and owner of
NCSHR Solutions





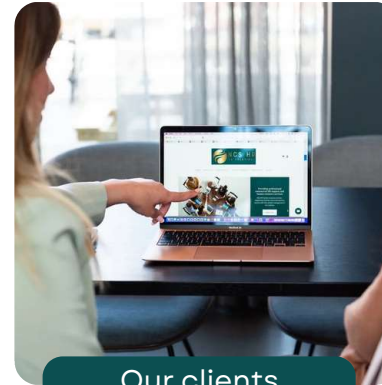
Nicola Smith

12 years of HR experience in various sectors.
CIPD qualified and Business Management graduate.
Accredited workplace mediator.



NCSHR Solutions

We offer tailored HR solutions to meet the diverse needs of businesses across various industries. With a focus on professionalism, expertise and a client-centric approach.



Our clients

We work with clients in all sectors, ranging from manufacturing to not-for-profit organisations. We pride ourselves in offering a service to each individual business needs.

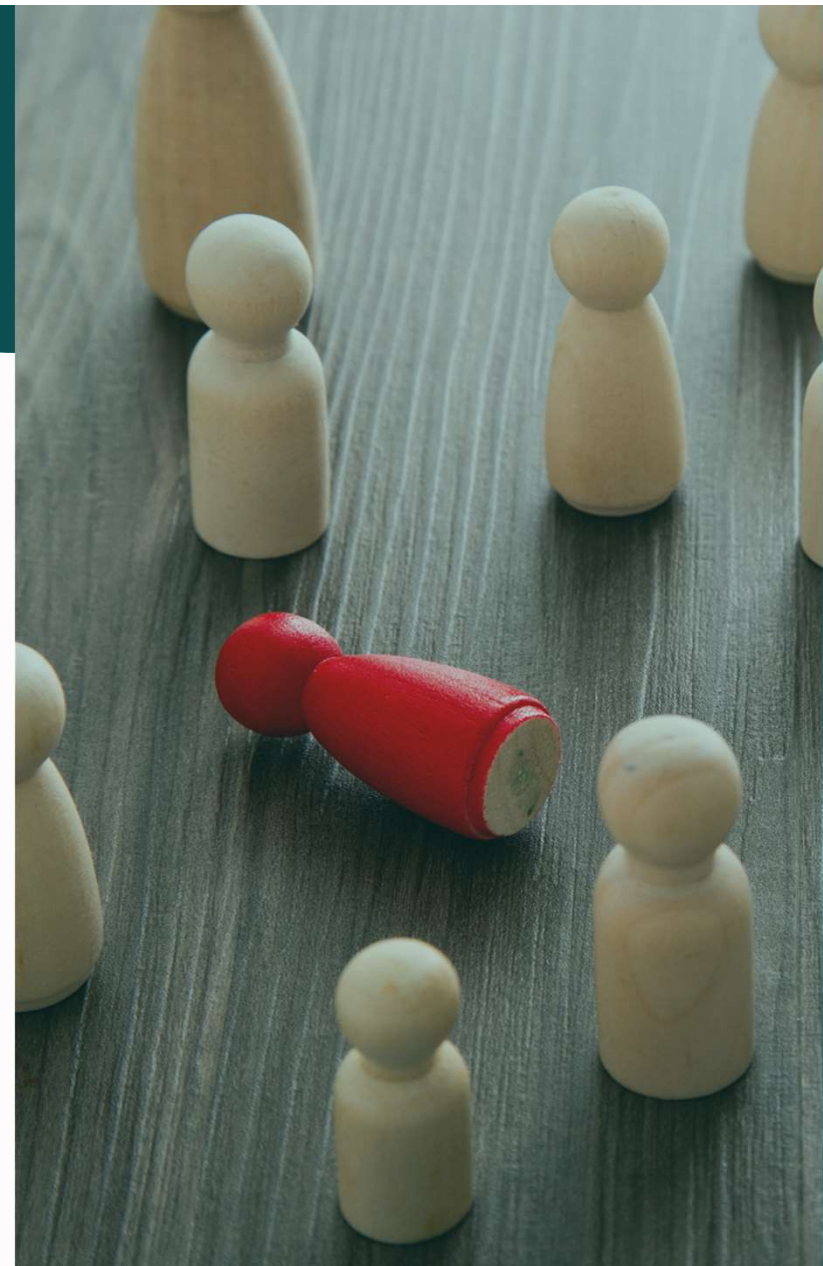


Our Services

We support SME's on a retainer, project or adhoc basis. We also partner with HR and recruitment software providers to help you save time and money on admin.

Overview

- About Nicola and NCSHR
- What is harassment?
- What are the changes in legislation
- What the duty is of an employer
- Why has the legislation been updated?
- What could happen if you breach the legislation?
- What steps we recommend to comply with the duty
- Policy, Risk assessments and training.





What is harassment?

Sexual harassment is unwanted sexual behaviour.
It is behaviour that can be reasonably expected to offend, humiliate
or intimidate a person or group.

What is harassment?

VERBAL, NON VERBAL AND PHYSICAL HARASSMENT

- sexual comments or jokes, which may be referred to as “banter”
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person’s private or sex life or a person discussing their own sex life
- sexual posts or contact in online communications, including on social media
- spreading sexual rumours about a person
- sending sexually explicit emails, text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing

What is harrasment?

Sex-based harassment:

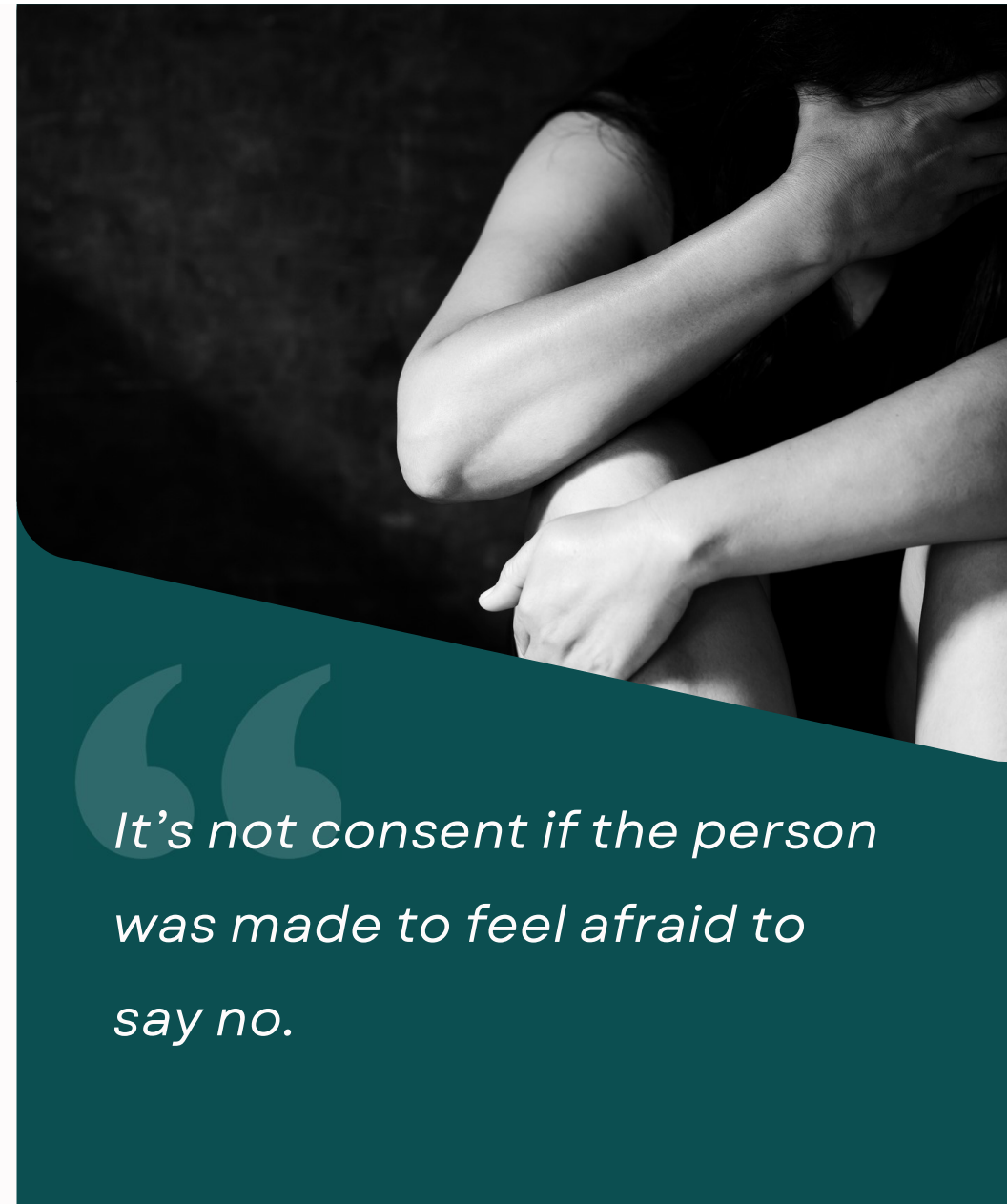
Sex-based harassment refers to harassment related to sex or gender reassignment. It is behaviour where the attributes that are assigned to a person's sex are used in a way that can be reasonably expected to offend, humiliate, intimidate or degrade that person, but the behaviour is not of a sexual nature. This constitutes sex-based harassment regardless of whether the attributes in question are actual or perceived. Sex-based harassment can include:

- Asking inappropriate questions about a person's sex;
- Making inappropriate assumptions about a person based on their sex;
- Subjecting a person to degrading requests due to their sex;
- Acting in a way that is prejudicial against a particular sex.



What are the changes in legislation?

- 1. Duty to prevent** sexual harassment in the workplace.
- 2. Third-Party Harassment-** Employers now liable for harassment by third parties (e.g., customers, suppliers) if they fail to take preventive measures.
- 3. Mandatory Risk Assessments-** Employers must conduct risk assessments to identify potential harassment risks in the workplace.
- 4. Changes to Time Limits-** Employees may have extended time limits for making complaints regarding harassment.



It's not consent if the person was made to feel afraid to say no.



Why has the legislation been brought in?

As the Guidance states, it is:

“a positive and proactive duty designed to transform workplace cultures”.

It is important to note that the new duty is in addition to the existing protections contained in the Equality Act 2010 which protects workers from discrimination, harassment and victimisation.

The sexual harassment preventative duty is different from the statutory defence as it is a separate positive legal duty requiring employers to **take reasonable steps to prevent** sexual harassment of their workers.

Significantly, the new duty holds employers accountable not only for addressing sexual harassment after it occurs but also for **proactively mitigating the risk** of such conduct occurring.



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What is your duty as an employer?

- **Duty to Prevent Harassment** Employers must take all reasonable steps to prevent harassment, both by employees and third parties.
- Providing **training** on acceptable behavior.
- Implementing clear anti-harassment **policies**.
- Taking prompt action to **investigate** complaints.
- **Third-Party Harassment** Employers are now responsible for addressing harassment that occurs via clients, customers, or others interacting with staff.



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What is the duty as an employee?

- Contribute to a respectful workplace
- Comply with the company's Code of Conduct
- Be aware of relevant legislation surrounding sexual and sex-based harassment
- Be sensitive to colleagues' personal space requirements
- Report any incidents of sexual misconduct that you witness or hear to a manager



Management responsibilities

1. Demonstrating leadership by modelling appropriate and professional conduct;
2. Providing staff members with access to fair, prompt and confidential processes to deal with complaints;
3. Ensuring staff are aware of their responsibilities in relation to sexual and sex-based harassment;
4. Accurately documenting any allegation or instance of harassment;
5. Taking all reasonable steps to identify, prevent, eliminate and address sexual and sex-based harassment;
6. Being proactive in protecting employees from sexual harassment, sex-based harassment and victimisation.



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What could happen if you breach the legislation?

01

Legal Risks

Tribunal Claims:

Employees may bring legal claims against the employer for failing to prevent harassment.

Financial Penalties:

Significant compensation may be awarded to victims of harassment.

02

Reputational Damage

Negative publicity, loss of trust among employees, customers, and stakeholders.

Impact on recruitment and retention of talent.

03

Employee Morale

Breaching your duty can create a toxic work environment, leading to decreased productivity and employee well-being.

What do we recommend to ensure you are fully compliant as a business?

Provide Regular Training:

Offer ongoing training to employees on what constitutes harassment and how to report it. Train managers and HR staff to handle complaints effectively.

Implement Clear Reporting Mechanisms:

Establish confidential channels for employees to report harassment without fear of retaliation.



Review and Update Policies:

Ensure anti-harassment policies are clear, accessible, and up-to-date with the new legislation.

Conduct Risk Assessments:

Identify areas where harassment risks may arise and take proactive steps to mitigate them.

Prompt Action:

Take immediate and appropriate action when harassment complaints arise.

What are the key points that should be covered in a sexual harassment policy?



What should be covered in a risk assessment?

Risk factors
Who might be at risk?
How do we assess the risk?
Steps taken to reduce risk
Further action to take
Responsible person
Date to be completed



Summary

- 1. Implement a Duty to Prevent Sexual Harassment**
- 2. Address Third-Party Harassment**
- 3. Conduct Risk Assessments**
- 4. Provide Confidential Reporting Mechanisms**
- 5. Monitor and Review Policies Regularly**
- 6. Changes to Time Limits**



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Thank you

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