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Committee:	Finance and Strategy Committee
Status	Public
Agenda Item	FAS 24-25/34
Date:	1st November 2024

- 1 Purpose.** To consider steps Council should take to comply with a new positive duty for Councils to prevent sexual harassment in the workplace which came into effect on the 26th October 2024.
- 2 Decision Required.** Councillors are requested to recommend to Full Council that:
 - a) The Staff Handbook Bullying and Harassment Procedure is amended to comply with the new legislation.
 - b) Sexual harassment training is provided for existing employees and Councillors and is included in induction training for new employees and Councillors.
 - c) That the Deputy Clerk review policies for working with third parties to ensure reasonable steps are taken to prevent sexual harassment.
- 3 Background.** The Worker Protection (Amendment of Equality Act 2010) Act 2023 was given Royal Assent on 26 October 2023. The main provisions of this Act came into force on the 25th October 2024.

From this date the Act provides that all employers are under a legal duty to take reasonable steps to ensure that employees are not subjected to sexual harassment in the course of their employment.

The duty of employers extends to sexual harassment committed by third parties. Consequently, employers are placed under a duty to take reasonable steps to prevent employees from being sexually harassed by customers, clients, service

users, members of the public and contractors.

The new law only applies to sexual harassment as defined by the Equality Act as, 'unwanted conduct 'of a sexual nature' which has the purpose or effect of violating the employee's dignity of creating an 'intimidating, hostile, degrading or offensive environment'.

The Act provides that where an employee succeeds in a claim for sexual harassment and the employer is found to have failed in its duty to take reasonable steps to prevent it, then the compensation awarded by the Tribunal may be increased by as much as 25 per cent. If an employee wins a sexual harassment claim and the Tribunal assesses compensation at £100,000, then it may award as much as £125,000 if the employer has failed in its duty to take reasonable steps to prevent sexual harassment.

4 Reasonable steps that Council can take to fulfil its responsibility as an employer.

4.1 Employee Handbook. Update the Employee Handbook at 6.3 Bullying and Harassment with the following additional wording

Sexual Harassment – The Worker Protection Act 2023

The Act states that employers have a legal obligation to prevent sexual harassment of workers. This includes harassment from third parties - if the unwanted conduct has the purpose or effect of violating the worker's dignity, or creating an intimidating, hostile degrading, humiliating or offensive environment for the worker. Employees are asked to report all inappropriate conduct of a sexual nature to the Town Clerk/Senior Manager.

4.2 Training. Ensure that training for current employees and Councillors and new members of staff and Councillors includes:

- A clear understanding of what harassment is.
- A clear statement of required workplace behaviour, including behaviour at work-related social events and in online communications.
- An understanding of what is appropriate and what isn't in grey areas such as banter.
- Knowing what to do if they experience harassment.
- Knowing what to do if they witness harassment.
- Knowing what to do if harassment is reported to them.

- Knowing what the parish or town council will do if they are found to have committed an act of harassment

4.3 Third Parties. Parish and town councils should take reasonable steps to prevent harassment from third parties. The Council will continue to maintain systems such as CCTV, body cams and the lone working policy that provide a level of protection to employees. The Council will need to review its policies for working with third parties such as customers, members of the public, agency workers and partners to ensure that it is taking reasonable steps to prevent sexual harassment of workers.