



Explained:

The new duty on  
sexual harassment  
in the workplace

The Global  
Inclusion Company



## 1. What is sexual harassment?

Sexual harassment is unwanted conduct of a sexual nature, which is intended to, or has the effect of, violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. If someone feels harassed, it is harassment. It's not about the intent; it's about the impact.

## 2. New duty on sexual harassment

In October 2024, the government released new legislation around sexual harassment in the workplace. The Worker Protection (Amendment of Equality Act 2010) Bill requires employers to take reasonable steps to proactively prevent sexual harassment at work, shifting their obligation from reacting to claims after the fact, to preventing them beforehand.

### Who is impacted?

#### Previously the legislation protected:

- Employees (those with a contract of employment)
- Workers and agency workers (those contracted to work)

- Apprentices (those with a contract of apprenticeship)
- Some self-employed workers
- Job applicants

#### The new legislation extends protection to:

- All self-employed workers
- Interns and unpaid workers
- Those on zero-hours contracts
- Third parties, such as customers, clients, suppliers and visitors



### 3. Examples of sexual harassment

Sexual harassment in the workplace can occur in various settings, including during work hours, at work-related events, or through digital channels. It can present in several ways, including:

Sexual innuendo, sexualised comments or jokes	Staring or leering	Kissing	Making promises in return for sexual favours
Sending sexually explicit emails or message	Stalking	Unwanted hugging	Intrusive questions about a person's sex life
Repeatedly asking for dates after being declined	'Locker room talk'	Sexual gestures	Propositions and sexual advances

**Over 1 in 2** women are sexually  
harassed at work  
(Trades Union Congress)

### Example one: The manager and colleague

During drinks after work, Jack (a senior manager) and Sarah are joined by their new colleague, Michelle. Jack and Michelle start flirting as the evening progresses. At the end of the evening Jack and Michelle exchange numbers.

Over the next few weeks Jack and Michelle go on a few dates, but Michelle decides she's not ready for a relationship and suggests that they keep their relationship professional.

Jack continues to message Michelle, asking if she would change her mind. He tells her she's sexy and that he enjoyed their night together. Michelle replies that she'd like to keep the relationship professional.

Jack continues to message and when Michelle stops replying via WhatsApp, he contacts her via email, suggesting it would be good for her career if he gets 'one more kiss'.

## Example two: The work trip

After returning from a recent industry conference, Simon approaches you and shares the following:

“During the dinner on the final night of the conference, I noticed Emma seemed very uncomfortable. Later in the evening, I asked her if she was okay, and she mentioned that Julia had been making suggestive comments toward her.”

It’s widely known in the office that Julia is attracted to Emma. Emma told Simon that Julia appeared to be slightly drunk even before dinner started. While Emma found Julia’s behaviour during dinner a bit intense, she attributed it to the alcohol.

When you asked Simon if anything else occurred, he mentioned that Julia attempted to kiss Emma in the lift at the end of the night. However, Alice brushed it off, and as far as Simon is aware, that was the extent of the incident.

## Example three: It’s just banter?

After work, a group of colleagues gather to celebrate Rohan, an account director, securing a major new client.

Rohan buys drinks for Robyn, a senior executive; Rachel, a customer support colleague; and Lynn, who works in finance.

“Well done, Rohan. Great job on the win,” Lynn says. “I do like being part of a winning team—it’s very sexy,” she adds, prompting laughter from the group.

Rachel says, “Keep that up, Lynn, and Rohan will spank you over his knee.” Lynn replies, “Is that a promise?”

The evening remains light-hearted. Later, as Lynn and Rohan wait for his Uber, Lynn remarks she wouldn’t mind if Rohan spanked her. She kisses his cheek and walks home smiling.

## 4. The impact of sexual harassment

Sexual harassment can have a damaging impact on employees and organisations.

### Impact on employees:

- **Emotional and psychological distress** – Contributing to anxiety, depression or reduced self-esteem
- **Physical health issues** – Stress-related illness or sleep issues
- **Career impact** – Reduced job satisfaction, reduced productivity or the decision to leave the company
- **Toxic workplace culture** – Sexual harassment can negatively affect employee morale and trust

### Impact on employers:

Employers will be breaking the law if they fail to comply with the new mandatory duty to protect employees against sexual harassment.

- **EHRC investigation** – The EHRC may conduct investigations into an employer's breach of the duty,

requiring disclosure of relevant evidence, and issuing unlawful act notices.

- **Increased compensation awards** – If an employee brings an employment tribunal claim alleging sexual harassment, employment tribunals can increase compensation awarded to an employee by 25%.
- **Reputational damage** – High-profile cases, such as the allegations against McDonalds, have illustrated the potential for significant reputational harm if employers fail to comply with the new regulations.

### Who is most at risk?

- **Women** – 68% have experienced sexual harassment at work. Younger women and disabled women are also at greater risk
- **LGBTQ+ workers** – Twice as likely to experience sexual harassment
- **Ethnic minority workers** – Often face intersectional harassment. Less likely to report incidents due to fear of retaliation
- **Temporary, unpaid or freelance workers** – Often due to power imbalances and lack of formal HR support (TUC data)

## 5. Many people don't report it

Many people who witness sexual harassment in the workplace do not report it. Barriers to reporting include:

- Believing the organisation will not take the issue seriously
- Believing that the alleged perpetrators, particularly senior staff, would be protected
- Fear of victimisation
- A lack of appropriate reporting procedures
- Feeling that you can't be a victim because of your sex, gender or status in the organisation

### What this means

When reporting systems feel unsafe or untrustworthy, sexual harassment goes unchallenged, perpetuating a toxic workplace culture



### Example reasons for not reporting:

- “Felt too intimidated to go to senior management as all were male and colluded with harassment”
- “I told my [other male] team-mates, who laughed at me and said they ‘should be so lucky’”
- “A partner who was close to the perpetrator said the firm would ensure my career was destroyed if I told anyone else about the incidents”
- “I was advised against reporting an incident as it would damage my brand”

(Source: EHRC ‘Turning the Tables Report’ 2018)

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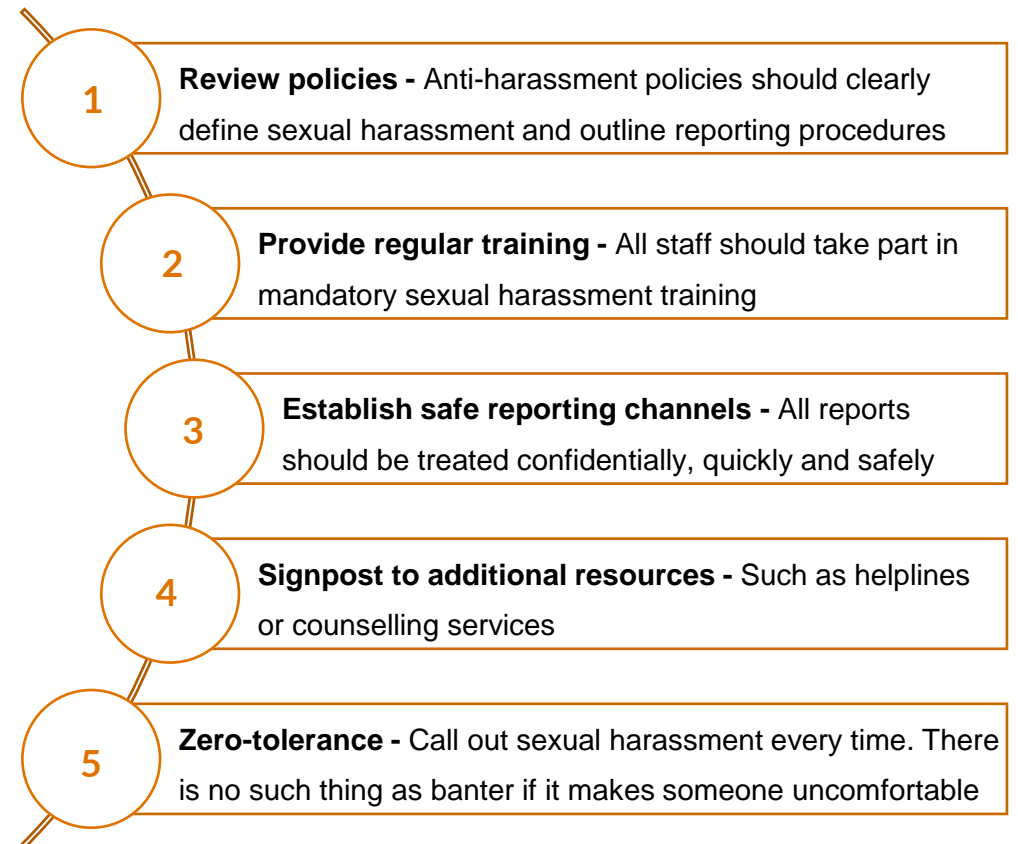
## 6. How to deal with sexual harassment

Creating a safe workplace is everyone's responsibility

### Checklist for employees



### Checklist for managers





We offer sexual harassment training for workplaces.

[View our training](#)

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