

## Sexual harassment

### 1 . What sexual harassment is

Sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not

Employers must do all they reasonably can to protect staff from sexual harassment and [take steps to prevent it happening](#).

### Who is responsible

Employers should do all they can to try to [prevent sexual harassment happening in the first place](#).

Anyone who sexually harasses someone at work is responsible for their own actions.

Employers can be responsible too – this is called [vicarious liability](#). By law, they must do everything they reasonably can to protect staff from sexual harassment. This covers:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

Employers also have a responsibility – a 'duty of care' – to look after the wellbeing of their employees. If an employer does not do this, in some cases it could lead to a serious breach of an employee's employment contract. If an employee feels they have no choice but to resign because of it, the employer could face a claim of sexual harassment and [constructive dismissal](#).

All complaints of sexual harassment should be taken very seriously. Employers should handle any investigation in a way that's fair and sensitive to:

- the person who made the complaint
- someone who witnessed it
- someone who's been accused of sexual harassment

### Who can experience sexual harassment

Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

You could experience sexual harassment from anyone you come into contact with because of your job, including:

- someone you work with
- a manager, supervisor or someone else in a position of authority
- someone high profile or influential

You can also experience sexual harassment from a customer, client or member of the public. An employer should take steps to prevent this.

## Examples of sexual harassment

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour.

It can happen in person or in other ways, for example online through things like email, social media or messaging tools.

Examples include:

- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape

What some people might consider as joking, 'banter' or part of their workplace culture is still sexual harassment if:

- the behaviour is of a sexual nature
- it's unwanted
- it violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of sexual harassment in a workplace that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

## The law on harassment

The Equality Act 2010 protects people against sexual harassment and harassment related to 'protected characteristics', for example a person's sex.

At work, the law covers:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

[Find out more about protected characteristics and harassment](#)

Sexual harassment is different to harassment related to a person's protected characteristic, for example sex, sexual orientation or gender reassignment. Someone could experience both types of harassment at the same time, or separately.

## Example

Tracey is the only woman in her team.

Her supervisor Michael regularly makes comments about women that Tracey finds insulting, for example saying their industry should not let women in. This is harassment related to a person's sex.

Michael starts making sexual comments about Tracey's body, getting very close to her and resting his hand on her arm. It makes Tracey feel very uncomfortable and intimidated. This is sexual harassment.

Tracey makes a complaint that includes both types of harassment.

## 2. If you've been sexually harassed at work

If you've experienced sexual harassment at work, you can make a complaint to your employer.

Your employer should:

- take your complaint very seriously
- handle it fairly and sensitively

### Make a note of what's happened

It's a good idea to make a note of what's happened. This should include dates, times and names, including any witnesses. Making a note can be especially helpful if you find talking about the experience particularly distressing.

### If you're thinking about recording what's happened

You should be aware of the risks of recording, or secretly recording, what's happened – for example on your phone. This is a complicated area of the law.

A recording might not be allowed as evidence if, for example:

- your employer has a policy that staff must not make recordings at work without permission
- your employer has a policy that making a secret recording at work is a disciplinary issue
- your secret recording breaks data protection laws

If your complaint leads to an employment tribunal, they might allow a recording as evidence in some circumstances, depending on your reasons for making it. A possible example might be that you made it to protect your legal rights. But the tribunal would decide on a case-by-case basis.

### Getting advice on your options

You might want to talk to someone to get advice and support before deciding whether to make a sexual harassment complaint. This could be:

- someone you trust at work, for example a colleague or manager
- a trade union representative, if you're a trade union member

- someone at work who's been trained to advise people who are considering making this kind of complaint
- [a specialist helpline](#)

## Making a complaint

If you want to try and resolve the problem informally, you can [talk with your employer](#) or someone senior at work.

You can [raise a grievance](#) if either:

- talking with your employer does not resolve the issue
- you feel the problem is too serious to deal with informally

A grievance is where you make a formal complaint to your employer.

Your employer may have their own specific sexual harassment policy and procedure, or a bullying and harassment policy, for handling sexual harassment complaints. If so, you should follow that policy and procedure to make your complaint.

Look at your workplace's policy, if there is one, to check what you should do. The policy should be somewhere you can easily access, for example on an intranet or in a staff handbook. It should say how your employer handles sexual harassment complaints.

The policy should tell you who to send your complaint to, for example someone at your workplace with specialist training. If you're a trade union member, you might also want to tell your local trade union representative – they may be able to support you in making a complaint.

If you make a complaint a long time after an incident took place, your employer should still take it seriously.

## If there's a hearing

If your complaint leads to a hearing, your employer must allow you to be accompanied at the hearing, if you make a reasonable request. This would usually be someone you work with or a trade union representative.

They might let you bring a friend or family member instead. Your employer does not have to agree to this, unless it's written in your employment contract or your workplace's policy.

In a few cases an employer must let you bring a second person if you need to, for example if you're a vulnerable person who needs specialist support because of a mental health condition.

If your employer handles sexual harassment complaints through their own specific sexual harassment policy, your right to be accompanied at the hearing must be at least the same as in a [grievance procedure](#). Your right to appeal against a decision must also be at least the same as in a grievance procedure.

## When it's a crime

If you've been sexually assaulted or raped at work, there are [specialist helplines](#) you can call for support and advice. They can help talk through your options.

If you choose to tell your employer, they should talk to you about whether you want to report it to the police, and should support you if you choose to report it. Before doing this, your employer should get advice from a specialist helpline.

Your employer should not put any pressure on you to make any particular decision. If you do not want to tell the police, you do not have to.

In most cases, your employer should go along with your decision. But your employer might decide they have to tell the police in some circumstances. This might include if you or they think there's likely to be:

- an ongoing risk to your safety or the safety of others
- an increased risk to your safety because you're a vulnerable person, for example you have a mental health condition

If your employer is going to report it to the police, they should talk with you about it before telling them, and let you know when they've told them.

## If it's been reported to the police or it's going through a court

Your employer is unlikely to have to wait for the criminal process to finish before they can:

- investigate your complaint
- carry out a workplace [disciplinary procedure](#)

But before doing either of these things, they should check with the police and consider getting legal advice. This is to make sure there is no risk of them prejudicing the criminal process.

## If the problem is not resolved

You can consider making a claim to an employment tribunal.

If you want to do this, first you must tell Acas you intend to make a claim to an employment tribunal. There are strict time limits for making a claim to an employment tribunal. In most cases, you have 3 months minus 1 day from the date of the incident.

When you contact Acas, you will have the chance to try to resolve your case through Acas before formally submitting a claim to an employment tribunal.

If you take more than 3 months to tell Acas, your complaint may still be considered at an employment tribunal if the tribunal decides that both these things apply:

- there's a good reason for you taking more than 3 months
- it's fair to the employer to allow your case to go ahead

Find out more about:

- [making a claim to an employment tribunal](#)
- [employment tribunal time limits](#)

It's a good idea to [get legal advice](#) if either:

- your complaint involves sexual assault or rape
- you feel your employer is not dealing with your complaint because the person you've complained about is powerful or influential
- it's 3 months or more since the incident and you're considering making a claim to an employment tribunal

It's against the law for you to be:

- [victimised](#) because you've made a sexual harassment complaint
- treated less favourably at work because you've been sexually harassed or you've rejected someone trying to sexually harass you

Related content

[Asking your employer questions about discrimination](#)

### 3. Witnessing sexual harassment

If you see someone being sexually harassed at work, you could step in and try to stop it happening, if you feel it's safe to do so.

After it's happened, you can:

- support a complaint made by the person who experienced the sexual harassment
- report what you've seen
- give evidence as a witness, for example at a hearing
- make a sexual harassment complaint yourself because what you've seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you

If you're making a complaint yourself, you do not need the permission of the person who's been sexually harassed.

You must not be [victimised](#) if you make or support a complaint, or act as a witness. This means you must not be:

- stopped from giving evidence
- treated unfairly because you've made a complaint, given evidence or supported a complaint

Ways you could support someone else's complaint include things like:

- making a statement, which may or may not mean you appear as a witness at a hearing
- giving evidence that the person accused of sexual harassment had also sexually harassed you in another incident
- comforting or supporting someone who's experienced sexual harassment

### Make a note of what's happened

It's a good idea to make a note of what's happened. This should include dates, time and names, including any other witnesses. Making a note can be especially helpful if you find talking about the experience particularly distressing.

#### If you're thinking about recording what's happened

You should be aware of the risks of recording, or secretly recording, what's happened – for example on your phone. This is a complicated area of the law.

A recording might not be allowed as evidence if, for example:

- your employer has a policy that staff must not make recordings at work without permission
- your employer has a policy that making a secret recording at work is a disciplinary issue
- your secret recording breaks data protection laws

If a complaint leads to an employment tribunal, the tribunal might allow a recording as evidence in some circumstances, depending on your reasons for making it. A possible example might be that you're struggling at work and you're trying to make sure your evidence is not misrepresented by someone who's far more influential than you. But the tribunal would decide on a case-by-case basis.

### Deciding whether to report it or make a complaint

You should talk to the person who's experienced sexual harassment to see if they want your support.

You might also want to talk to someone else to get advice and support before deciding whether to report it or make a sexual harassment complaint yourself. This could be:

- someone you trust at work, for example a colleague or manager
- a trade union representative, if you're a member of a trade union
- someone at work who's been trained to advise people who are considering making this kind of complaint
- [a specialist helpline](#)

Depending on what the person who's been sexually harassed has said to you, and any other advice, you might decide to either:

- report what you've seen
- make a complaint yourself because what you've seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you

If you're making a complaint yourself, you do not need the permission of the person who's been sexually harassed.

## Reporting what you've seen or making a complaint

If you choose to tell your employer, talk with them as soon as possible to try and resolve the problem. [Find out more about talking to your employer about a problem.](#)

If talking to your employer does not resolve the issue or if you think it's too serious, you can [raise a grievance](#). This is if you're making a formal complaint yourself because what you've seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you.

Your employer may have a specific sexual harassment policy and procedure, or a bullying and harassment policy, for handling sexual harassment complaints. If so, you should follow that policy and procedure to make your complaint.

Look at your workplace's policy, if there is one, to check what you should do. The policy should be somewhere you can easily access, for example on an intranet or in a staff handbook. It should say how your employer handles reports and complaints of sexual harassment.

The policy should tell you who to send your report or complaint to, for example someone at your workplace with specialist training. If you're a trade union member, you might also want to tell your local trade union representative – they may be able to support you in making a complaint.

If your problem is not resolved, you can consider [making a claim to an employment tribunal](#).

If you make a report or complaint a long time after an incident took place, your employer should still take it seriously.

## Being a witness at a hearing

You might be asked to give evidence at a hearing. This could be either as part of:

- your workplace's [grievance procedure](#)
- your employer's specific sexual harassment or bullying and harassment procedure, if they have one

If you're uncomfortable about doing this, the person investigating should talk to you and try to resolve any concerns you have.

## If you made a complaint yourself

If you made a complaint yourself, for example because what you've seen has violated your dignity, your employer must allow you to be accompanied by someone at the hearing, if you make a reasonable request. This must be someone you work with or a trade union representative.

They might let you bring a friend or family member instead. Your employer does not have to agree to this, unless it's written in your employment contract or your workplace's policy.

In a few cases an employer must let you bring a second person if you need to, for example if you're a vulnerable person who needs specialist support because of a mental health condition.

### **If you're a witness to someone else's complaint**

If you're giving evidence as a witness to someone else's complaint, you do not have the right to be accompanied at the hearing.

[Find out more about being a witness](#)

## **Making a witness statement anonymously**

If you're making a witness statement, you can ask for it to be anonymous. But there can be disadvantages in doing this.

For example, your evidence might not be taken as seriously and it may have to be backed up by someone else who's willing to be named.

Keeping your identity secret cannot be guaranteed. For example, if the case goes to an employment tribunal, you might be asked to give evidence in person.

## **4. Handling a complaint**

As an employer, you should:

- take any complaint of sexual harassment very seriously
- think very carefully about the way you handle a complaint, to make sure you do it fairly and sensitively and follow the right procedures
- tell everyone involved in the complaint what the process will be
- handle the complaint as quickly as possible

## **How someone might make a complaint**

The employee or worker making the complaint may talk to you to try and resolve the problem informally.

They may raise a grievance instead, if they feel that either:

- raising it informally has not resolved the issue
- it's too serious to raise informally

You may have your own specific sexual harassment policy and procedure, or a bullying and harassment policy, for handling sexual harassment complaints. If so, your employee or worker should follow that policy and procedure to make their informal or formal complaint.

The complaint might come from:



- the person who's experienced sexual harassment
- someone who's witnessed it

Find out more about:

- [dealing with a problem raised by an employee](#)
- [formal grievance procedures](#)

## Talking to the person who's made the complaint

When you're talking to someone about their sexual harassment complaint, think carefully about what you say to them. Some things will not be appropriate or acceptable.

For example:

- do not tell someone it could be a long and difficult process, or ask them if they're sure they want to go ahead – this could imply you think they should not carry on with the complaint
- do not say their complaint does not seem that serious – you should treat all complaints very seriously

## Keep an open mind

It's important to remember that [sexual harassment](#) is unwanted behaviour of a sexual nature.

To be sexual harassment, the unwanted behaviour must have either:

- violated the person's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for the person, whether it was intended or not

You should not let your own views influence a situation or dismiss a concern. For example:

- if you get on well with the person accused of sexual harassment, or think they're a decent person, this should not influence how you handle the situation
- behaviour you personally do not find offensive or unwanted might have a very different effect on someone else

You should not doubt a sexual harassment complaint simply because it happened away from other people or nobody else witnessed it.

You must not ignore or cover up a sexual harassment complaint.

## Non-disclosure agreements

You should not use a [non-disclosure agreement](#) (NDA) or 'confidentiality clause' to stop someone reporting sexual harassment.

You cannot use a non-disclosure agreement to stop someone [whistleblowing](#) or reporting a crime.

## What you must do as an employer

You must follow a full and fair procedure in line with the [Acas Code of Practice on disciplinary and grievance procedures](#).

You may decide that the most appropriate way to handle the complaint is by asking the person who's experienced sexual harassment to raise a [formal grievance](#). Reasons for asking them to do this might include the seriousness of the complaint.

If the person does not want to make a formal complaint because they find it too distressing to put it in writing, you might consider a [disciplinary procedure](#) against the person they're complaining about.

You may have a specific sexual harassment policy and procedure, or a bullying and harassment policy, for handling sexual harassment complaints. If so, you and the person making the complaint should follow that policy and procedure.

In some cases, you may only have the word of the person making the complaint against the word of the person they're accusing. For example if the incident happened away from other people or nobody saw it. After hearing the evidence from both sides in a fair process, you can still decide the case is valid if you believe the person who made the complaint.

## If the case reaches an employment tribunal

The procedure you've followed will be taken into account if the case reaches an [employment tribunal](#).

An employment tribunal will expect you to have taken all reasonable steps to prevent sexual harassment. Otherwise, you could be held responsible too. This is called '[vicarious liability](#)'.

There are strict time limits for making a claim to an employment tribunal. In most cases, someone has 3 months minus 1 day from the date of the incident.

A complaint may still be considered at an employment tribunal if the tribunal decides that both these things apply:

- there's a good reason for the person taking more than 3 months to tell Acas
- it's fair to you to allow their case to go ahead

[Find out more about employment tribunal time limits](#)

## Complaints a long time after the incident

If the complaint has been made a long time after the incident took place, you should still:

- take it very seriously
- deal with it completely, or as far as you possibly can

In some cases where a lot of time has gone by, there may be limits on how far the complaint can go. For example, if:

- the person who's been accused of sexual harassment no longer works for you
- witnesses no longer work for you
- some of the evidence was destroyed a long time ago because it was thought it was no longer needed
- it's too late for the person making the complaint to make a claim to an employment tribunal (although it may still be considered if the tribunal decides there's a good reason for taking more than 3 months to tell Acas and it's fair to the employer to allow the case to go ahead)

You should still investigate even if the person making the complaint has run out of time to make a claim to an employment tribunal.

From the start, you should talk to the person who's made the complaint about any potential limits that might be relevant. In these kind of circumstances, you should:

- look into their complaint as far as you possibly can
- keep them informed
- let them know the outcome as soon as there is one

## When it's a crime

If someone tells you they have been sexually assaulted or raped at work, they may want to report it to the police.

You should talk to them about whether they want to tell the police, and should support them if they choose to report it. Before doing this, you should:

- [get advice from a specialist helpline](#)
- [consider getting legal advice](#)

You should not put any pressure on them to make any particular decision. If they do not want to tell the police, they do not have to.

In most cases, you should go along with their decision. But you might decide you have to tell the police yourself in some circumstances. For example, this might include if you or the person who's made the complaint think there's likely to be:

- an ongoing risk to their safety or the safety of others
- an increased risk to their safety because they're a vulnerable person, for example they have a mental health condition

Before telling the police, you should talk about it with the person who's made the complaint. You should also let them know once you've told the police.

If you're not sure what to do, you should make sure you get specialist and legal advice.

## If it's been reported to the police or it's going through a court

It's unlikely you'll have to wait for the criminal process to finish to:

- investigate the complaint
- carry out a workplace [disciplinary procedure](#)

But you should check with the police before doing either of these things, and consider getting legal advice, to make sure there is no risk of prejudicing the criminal process.

You should give information to the police if they ask for it.

If you wait for the criminal process to end and it does not result in a conviction, you may still be able to take disciplinary action. This is because the level of evidence needed to prove a crime is higher than for an employer's disciplinary process to decide that a workplace disciplinary offence has been committed.

## Supporting someone who's made a complaint

Being sexually harassed is extremely distressing and can be life-changing.

The person making the complaint may be very worried that:

- they will not be taken seriously
- you will try to make them confront the person they say sexually harassed them
- they might be quizzed about their personal life
- other people will find out personal information about them
- they will be victimised for making a complaint

You must make sure none of those things happen.

You should make sure that:

- reporting sexual harassment is as easy as possible
- the person who's experienced it or witnessed it feels safe and protected
- you offer the person [mental health support](#), for example through an employee assistance programme (EAP) if you have one
- you talk to them privately and allow plenty of time
- the person investigating the complaint is impartial and trained for the role

### If there's a hearing

If the complaint leads to a grievance hearing (or a hearing through your specific procedure for handling sexual harassment complaints), you must allow the employee or worker to be accompanied at the hearing, if they make a reasonable request. This must be someone they work with or a trade union representative.

They might ask if they can bring a friend or family member instead. It's up to you to decide. You do not have to agree to it, unless it's written in their employment contract or your workplace's policy.

In a few cases, however, you must let them bring a second person if they ask, for example if they're a vulnerable person who needs specialist support because of a mental health condition.

## Supporting someone who's been accused

It's likely to be very distressing for an employee to be accused of sexual harassment. It's a very serious matter for them too.

You must:

- carry out a fair and thorough investigation and handle it very carefully
- not presume the accusation is either true or false

It's important to offer support and sensitivity to the person accused so your handling of the complaint is balanced. They may be very worried that:

- what they say will not be taken seriously
- you may try to make them confront the person who accused them of sexual harassment
- they might be quizzed about their personal life
- other people will find out personal information about them

You must make sure none of those things happen.

You should make sure that you offer the same kind of support that you would for someone who's made the complaint. For example:

- talk to them privately and allow plenty of time
- offer them [mental health support](#)
- assure them that the person investigating the complaint is impartial and trained for the role

### If there's a hearing

If there's a disciplinary hearing, you must allow the person who's been accused to be accompanied, if they make a reasonable request. This must be someone they work with or a trade union representative.

They might ask if they can bring a friend or family member instead. It's up to you to decide. You do not have to agree to it, unless it's written in their employment contract or your workplace's policy.

In a few cases, however, you must let them bring a second person if they ask, for example if they're a vulnerable person who needs specialist support because of a mental health condition.

## Confidentiality

You should keep the complaint as confidential as possible. People should only have appropriate information on a strictly need-to-know basis. For example:

- the person who made the complaint and their trade union representative
- the person who's been accused of sexual harassment and their legal adviser
- close family of the person who made the complaint and the person who's been accused
- the person investigating the complaint

The importance of confidentiality should be explained to all of them.

## Protecting staff after a complaint

Depending on the circumstances, you may need to take steps to protect the person who's made a sexual harassment complaint as well as other staff.

In some cases, for example if there's a serious risk to the employee who's made the complaint or other employees, you may want to suspend the person who's been accused while you're dealing with the complaint. You should think very carefully before suspending someone as there may be other options.

Find out more about suspension and other options in [suspension during an investigation](#).

You should not move the person who's experienced sexual harassment to a different part of the organisation, for example while you're handling their complaint, unless they've asked to be moved. Moving them when they have not asked for this could be seen as a punishment for complaining.

## Deciding what action to take

Once you've carried out a full and fair procedure looking into the complaint, you should decide on the outcome, including whether the complaint is upheld or not.

'Upheld' means you've decided the complaint is valid.

This usually means you've decided there's enough evidence to do one or both of the following:

- recommend actions that need to be taken to resolve the complaint
- follow up with a disciplinary procedure and consider disciplinary action if appropriate

[Find out more about deciding on a disciplinary outcome](#)

If you decide to follow up with a disciplinary procedure, it's unlikely that you'll need to investigate the complaint again. But if you feel you need more information for the disciplinary procedure, you should investigate again.

If you have a specific policy for handling sexual harassment complaints, it may say that you should use one investigation for both looking into the complaint and any follow-up disciplinary procedure. Look at your policy to check what you should do.

## Whether to tell the person who made the complaint

You should consider on a case-by-case basis whether to tell the person who made the complaint about what disciplinary action, if any, has been taken. You should tell them if you can.

You'll need to check your policies and General Data Protection Regulation (GDPR) privacy notices. This is to make sure they allow the person who made the complaint to be told about any disciplinary action taken against the person who harassed them.

You might want to consider telling the person who made the complaint, on the condition that who they can tell is limited and that those people keep it confidential. For example:

- their legal adviser or trade union representative
- close family
- to meet a legal obligation

You should make it clear to all staff that your policies and privacy notices may allow these steps.

If you find that your policies and privacy notices do not currently allow this, you may be able to change them for when you deal with any future complaints.

You should check your policies and privacy notices regularly to see if they need updating, and not wait until you get a complaint.

[Find out more about data protection from the Information Commissioner's Office \(ICO\)](#)

## Managing the situation afterwards

You should consider carefully if you need to take any further steps to manage the situation.

### If the complaint is upheld but the harasser is not dismissed

If the complaint is upheld but you decide not to dismiss the person who carried out the harassment, you should consider taking steps to help improve working relationships and support those affected.

For example, your options might include one or all of the following:

- counselling
- more equality training for the person who carried out the harassment
- moving them to another location or role to keep them apart from the person they harassed
- other steps to [prevent sexual harassment](#)

### If the complaint is not upheld

If you decide that the complaint did not amount to sexual harassment, you should consider taking steps to help manage working relationships between the people who were involved in the complaint.

For example, steps might include:

- counselling
- giving someone responsibility for trying to manage the working relationships of people involved in the complaint so they can work together effectively again
- offering other roles if a breakdown in a working relationship cannot be resolved

### If the complaint is upheld and the harasser is dismissed

If the complaint is upheld and the person who carried out the harassment is dismissed, you should consider whether you need to take any other steps. For example:

- offering staff counselling
- taking steps to [prevent sexual harassment in the future](#)
- if your workplace is open to the public, how you'll make sure the person who carried out the sexual harassment cannot target the person who made the complaint against them

## Acas support for employers

Acas can help with sexual harassment matters. You can:

- [contact the Acas helpline](#)
- [do training on dealing with unacceptable behaviours at work](#)

Related content

[Answering questions about a discrimination complaint](#)

## 5. Preventing sexual harassment

You should take steps to try to make sure sexual harassment does not happen in your workplace.

You should aim to have a culture of zero tolerance of sexual harassment.

You should also:

- remove or reduce risks of sexual harassment to make sure your workplace is safe
- offer support to anyone involved in a sexual harassment complaint
- make it clear to everyone who works for you, or uses your services, that you will not tolerate sexual harassment
- train everyone who works for you on recognising sexual harassment and encourage them to report it
- make sure all your policies are consistent in having zero tolerance of sexual harassment

If someone who works for you makes a sexual harassment complaint despite steps you've taken, you should check:

- why the steps you've taken have not worked
- if anything needs to change

## Put policies and procedures in place

You must follow a full and fair procedure for handling complaints, in line with the [Acas Code of Practice on disciplinary and grievance procedures](#).

This could be through a grievance procedure or a specific sexual harassment policy and procedure for handling complaints.

If you have a separate policy you should make sure the procedure follows the Acas Code of Practice on disciplinary and grievance procedures as a minimum.

### If you create a specific sexual harassment policy

If you decide to create a specific sexual harassment policy, you should do this in consultation with either:

- trade unions
- other employee representatives, where there's no trade union

## What you should include in a specific policy

The following are examples of what you should include if you decide to create your own specific sexual harassment policy.

1. A range of options for reporting a sexual harassment complaint depending on who the person feels most comfortable telling. For example, this could include:
  - their line manager
  - a more senior manager
  - staff who are specially trained to deal with sexual harassment complaints
  - their trade union representative
2. A range of informal options for dealing with a sexual harassment complaint where both you and the person making this complaint think this is appropriate. For example, this might include:
  - the person making the complaint telling the person they're complaining about why their unwanted behaviour must stop, and getting an apology and assurance from them that they will never do it again (this should only happen if the person making the complaint feels comfortable doing this and has support, for example they're accompanied when they tell the person)
3. A formal procedure specifically for dealing with sexual harassment complaints, to be used either:
  - when one of the informal options for dealing with a complaint does not work
  - when a formal complaint is made from the start
4. The formal procedure should allow:
  - both the person who made the complaint and the person they're complaining about to be accompanied by a trade union representative or a colleague throughout the procedure, if they make a reasonable request
  - both the person who made the complaint and the person they're complaining about to ask for advice from someone at work who's specially trained to deal with sexual harassment complaints
  - a right of appeal against a decision after the complaint has been investigated and all the evidence has been heard at a hearing
5. The formal procedure should be clear on the process for when disciplinary action might be needed. Either:
  - the formal procedure includes its own disciplinary process
  - you use your overall staff disciplinary procedure
6. That one investigation should be used for both looking into the complaint and any follow-up disciplinary procedure. But if you feel you need more information for a disciplinary procedure, you should investigate again.
7. Details of help and support for the person who's made the complaint and the person they're complaining about. For example:
  - support available through work, for example an employee assistance programme (EAP) if you have one
  - outside sources of support, for example specialist helplines
8. That someone who works for you who's been sexually harassed will be given paid time off to get help with any resulting physical or mental health problems.

## Make sure other policies are in line



It's important that all your policies match up. You should check all relevant policies, including:

- discipline
- social media
- dress code
- data protection (GDPR)

For example, your social media policy should also make it clear there is zero tolerance of sexual harassment at work, including on personal devices.

## Check policies are working

You should regularly check if policies and procedures for preventing sexual harassment and handling complaints are working or if they need to change. For example, you could do staff surveys.

## Train staff

This includes:

- training everyone who works for you on recognising and understanding sexual harassment – ideally within their first month
- training someone in HR, or a manager or another member of staff, to advise people who are considering making a sexual harassment complaint

Acas training for employers and managers includes:

- [training on dealing with unacceptable behaviours at work](#)
- [equality, diversity and inclusion training](#)

## Assess the risk

It can help to assess the risk of sexual harassment in your organisation because of what's involved in the work your staff do.

For example, factors might include:

- lone working
- the presence of alcohol
- power imbalances between staff

If you can, try to remove or reduce those risks.

## Create a culture of zero tolerance

As an employer, you should make these things clear to everyone who works for you:

- sexual harassment is against the law
- [what sexual harassment is and what behaviours are unacceptable at work](#)
- you will never cover up or ignore a sexual harassment complaint
- you will not tolerate misuse of power in workplace relationships, for example through seniority or influence
- how you will handle a sexual harassment complaint
- that staff are encouraged to report sexual harassment early

- if someone who works for you carries out sexual harassment, it may lead to them losing their job
- a member of staff who makes a complaint that's not upheld will not face any disciplinary action, as long as their complaint was not malicious

These are other steps you can take to help create a zero tolerance culture. For example:

- putting a system in place where staff can report sexual harassment complaints online or by phone, including anonymously
- carrying out anonymous surveys so staff can say if they've experienced or witnessed sexual harassment, if they reported it or not and why
- including in managers' performance objectives that they should report sexual harassment if they see it, or deal with it if they're trained to
- keeping a record of sexual harassment complaints to watch for any patterns of unwanted behaviour

## Improve equality, diversity and inclusion

Sexual harassment can be less likely to happen in a workplace that encourages equality, diversity and inclusion, for example when there's a range of people from different backgrounds.

[Find out more about improving equality, diversity and inclusion at work.](#)

Related content

</improving-equality-diversity-and-inclusion/making-your-workplace-inclusive>

## 6. Specialist helplines and support

Specialist help and support is available for anyone affected by sexual harassment, including:

- people who've experienced or witnessed sexual harassment
- employers handling sexual harassment complaints

## Dealing with sexual harassment at work

To help you understand your rights and options, employers and anyone affected by sexual harassment at work can:

- [contact the Acas helpline](#)
- [get legal advice](#)
- talk to your trade union or employers' association if you have one

Women who've experienced sexual harassment at work can get free legal advice from:

- [Rights of Women](#) – England and Wales
- [Scottish Women's Rights Centre](#)

Employers handling a sexual harassment complaint can read:

- [workplace sexual harassment guidance from the Equality and Human Rights Commission \(EHRC\)](#)

If you're struggling to cope and need someone to talk to, you can contact:

- [Samaritans](#)
- [LGBT Foundation](#)

## Help after sexual assault or rape

You can get help and information from:

- [Galop](#) – LGBT+ sexual violence support
- [Rape Crisis England and Wales](#)
- [Rape Crisis Scotland](#)
- [The Survivors Trust](#)
- [SurvivorsUK](#) – male rape and sexual abuse support
- [Victim Support](#)

[Find out about other help after rape and sexual assault on the NHS website](#)

To contact the police:

- call 999 if you or someone else is in immediate danger
- call 101 if it's not an emergency

To report a crime online, visit:

- [Police.uk](#) for England and Wales
- [Police Scotland](#)

When you're reporting a crime, you can ask to speak to a specialist officer who's trained to deal with sexual violence.

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