

Sexual harassment

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.