

What is the Worker Protection Act?

From October 26th, 2024, Employers have a new legal obligation to protect workers from sexual harassment. The Worker Protection Act (2024) is an amendment to the existing Equality Act 2010.

The act marks a significant shift in obligation from the Employee toward the Employer in challenging inappropriate conduct.

The act, which states that 'an employer must take reasonable steps to prevent sexual harassment of employees in the course of their employment', will mean a number of things for employers, and guidance from the European Human Rights Commission have already indicated actions that Employers need to be taking action to ensure that they're compliant with the incoming regulation.

Background to the Worker Protection Act:

It has been nearly seven years since the #MeToo movement raised awareness and forced action on the issue of workplace sexual harassment.

The campaign encouraged people to speak out about their own experience and worked to reduce the stigma felt by victims. It also prompted organisations and policymakers to take more robust actions against sexual harassment in the workplace.

Sexual harassment remains prevalent in UK workplaces. An estimated 40-50% of women and almost 70% of LGBT workers have experienced sexual harassment in the workplace. People of colour report significantly higher rates of occurrence (Source: AGR Law Solicitors, 2024). In addition to this, four out of five people report feeling unable to report sexual harassment to their employer.

What are your responsibilities

The Worker Protection Act comes into effect on October 26th. That means organisations are responsible for preparing for the act ahead of then.

There is no exact guidance on what action needs to be taken to demonstrate that you have taken reasonable steps to prevent sexual harassment. However, leading authorities such as the Equality and Human Rights Commission have offered guidance on the topic.

Reasonable steps you can take to prevent sexual harassment in the workplace include:

- **Reviewing policies:** ensuring they are up-to-date and fit for purpose. This may require consultation with current Employees or a review alongside other existing policies.
- **Improving internal communication:** creating more avenues to detect harassment through informal one-to-ones, post-employment surveys, staff networks, and so on.
- **Training** to embed positive behaviours, and raise awareness on harmful behaviours
- **Introducing an online reporting system** that allows Employees to make complaints either named or anonymously – with the latter helping remove trust and fear barriers.

Creating a speak up culture

The Workers' Protection Act is shifting the focus of Employer responsibility from response to prevention when it comes to dealing with sexual harassment.

In order to prevent sexual harassment, you need to assess your culture on an ongoing basis in order to identify potential issues and intervene at the earliest stage possible.

Creating a speak up culture is the most effective way to maintain a consistent understanding of the behaviours and culture within your organisation. This starts with removing barriers to reporting.

Here are some of those barriers:

- Not being able to identify their experience as harassment
- Not trusting the organisation with their reporting procedures
- Fear of not being believed
- Thinking it's not serious enough to report
- Fear of repercussions, including dismissal or further incidents

What should employers do to prepare for the Worker Protection Act?

Ahead of the Worker Protection Act coming into force, Employers should carefully consider what steps they can take to prevent sexual harassment at work. These may include:

- **Carrying out sexual harassment risk assessments.** The assessments should identify any clear risk factors, and any specific measures needed to support employees. The original [EHRC Technical Guidance](#) on sexual harassment and harassment at work provides practical example of how to effectively tackle and respond to harassment. *Whilst the guidance is set to be updated to reflect the new duty on employers, it is a useful resource that explains different types of harassment and possible risk factors in the workplace.*
- **Reviewing anti-harassment policies.** Policies should define what unacceptable behaviour looks like and set out a clear system for how any incidents or concerns should be reported. The policies should also explain the consequences of inappropriate behaviour. It is essential that these policies are well-communicated across the organisation and can be easily accessed by staff at all levels.
- **Delivering anti-harassment training or refresher training.** The training should provide relevant staff members with the tools they need to identify, report, or, where appropriate, manage unacceptable behaviour.
- **Encouraging open communication throughout the business.** There should be visible support from senior leadership, particularly in embedding diversity and inclusion values into company culture.