

GREAT BRITAIN - RECOMMENDATIONS FOR LEGISLATIVE REFORMS

In March 2018 the Equality and Human Rights Commission published the report 'Turning the Tables: Ending sexual harassment in the workplace', based on evidence from around **1,000 individuals and employers** experiencing and dealing with complaints of sexual harassment.

The evidence collected revealed the stark reality of individuals whose careers and mental and physical health have been damaged by corrosive workplace cultures, which silence individuals and normalise harassment. The EHRC also found a lack of consistent, effective action on the part of too many employers.

The report set out a number of recommendations aimed at more effectively preventing and responding to sexual harassment and other forms of harassment in every British workplace through transforming workplace cultures, promoting transparency and strengthening protections. Action is required in all three areas in order to shift from the current situation, where individuals risk their jobs and health if they report sexual harassment, and instead put the onus on employers to effectively prevent and resolve sexual harassment in the workplace.

Key recommendations included:

- **Introducing a mandatory duty on employers** to take reasonable steps to protect workers from harassment and victimisation in the workplace, and a statutory Code of Practice on harassment and harassment at work. A breach of the mandatory duty would allow the EHRC to take enforcement action.
- **Extending the limitation period for harassment claims** in an employment tribunal to six months from the latest of the date of the act of harassment, the last in a series of incidents of harassment, or the exhaustion of any internal complaints procedure.
- **Reinstating the third party harassment provisions** under sections 40(2)-(4) of the Equality Act 2010 and amending them to remove the requirement for the employer to know that the employee has been subjected to two or more instances of harassment by a third party before they become liable.

In September 2019 the EHRC also published guidance on the use of confidentiality agreements (also known as non-disclosure agreements) in discrimination cases. It aims to clarify the law on confidentiality agreements in employment and to set out good practice in relation to their use.

Equality and Human Rights Commission

Turning the tables

Ending sexual harassment at work

Experiences of individuals harassed by customers

'We've been told nothing can be done for harassment with customers except if we see someone who stalks you, [then] we are allowed to hide out back.'

'[I was] basically told putting up with sexual harassment from customers was part of the job.'

'I worked in a bar and one of the customers pinned me up against the wall and tried to put his hands in my underwear – in a packed bar, in full view of everyone.'

'I was repeatedly harassed by a male customer, I was told to just deal with it – and had to continue serving him daily.'

Impact

The UK Parliament's Women and Equalities Select Committee echoed a number of the EHRC recommendations. As a result the UK government are consulting on a number of legislative changes that could have a significant impact if implemented. The three key recommendations (**mandatory duty for employers, extension of tribunal time limits and reinstating third party harassment provisions**) are being consulted on.

More Info:

Visit our website www.equalityhumanrights.com to find the report "Turning the Tables" and the guidance on the use of confidentiality agreements.



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