

The new mandatory duty to take “reasonable steps” to prevent sexual harassment in the workplace will come into force in October, which means the countdown is on for employers.

Come **26 October**, you have either taken the reasonable steps required or you have not, and if you have not, you are immediately exposed. Acting now, or, as a minimum, being seen to think now about whether you need to act, is a likely prerequisite of compliance with this new duty.

As detailed in our [Relatively Informal Guide](#), although the government has not issued prescriptive guidance on what employers must do to comply with the new duty, there are some useful nuggets we can glean from both the Equality and Human Rights Commission’s [technical guidance](#) and the recent [consultation](#) on the proposed changes to it to take into account the new duty.



Identify the Risks

Our recommended first step for employers is to carry out a [risk assessment](#). You cannot know what constitutes reasonable steps to head off a risk unless you know its source and extent. Any attempt to determine the steps your business should take under this new law must therefore realistically begin with an assessment of where you start from in that respect. Completed in sufficient detail, this will form the cornerstone of your later efforts, and so go a long way towards justifying the reasonableness of the steps you choose to take and not to take. Whether you have taken “reasonable” steps will depend upon factors such as size of your business, the sector you operate in, your working environment, resources and so on. There are no particular criteria or minimum standards an employer must meet.

We are currently working with many of our clients to help them prepare for the new duty, including by helping them work through the risk assessment process. If you would be interested in talking to us about ways in which we might be able to support you and your business with your preparation, please get in touch with your usual contact at the firm or any of the partners named at the end of this document.

Train Your Staff

Almost certainly, mitigating the risks you identify will involve some training for your staff. Without some visible training of your staff, there is next to no chance of your being found to have complied with the new statutory duties.

We recommend that any training is sufficiently tailored to take into account the particular risks of your business, as identified in your risk assessment, including relevant examples.

You may also wish to consider whether you should have training tailored to different groups within your workforce to address the different risks that they pose. This could comprise, for example, some training for the general population, some for managers who may receive complaints and some for more senior staff who may be required to deal with and rule upon them, and to decide on appropriate consequences.

Given that the risk profile of each business will be unique to its particular circumstances, there will be no one-size-fits-all when it comes to the training required. To help you consider the options, we have put together the menu overleaf. Please note, all of these options can be adapted as appropriate to fit your requirements, and can be delivered either in person or virtually.

For more information (including costs), please get in touch with your usual contact at the firm or any of the partners listed at the end of this menu.

Sexual Harassment in the Workplace – Menu Options

Training for Leaders, In-house Lawyers and HR	
Leadership Initial Briefing	HR, Management and In-house Lawyers Training
<ul style="list-style-type: none">• Overview of new mandatory duty to take reasonable steps to prevent sexual harassment in the workplace• Liability (both for the business and personally) and enforcement action• Brief overview of the practical steps employers can take to minimise the risk of sexual harassment in the workplace• Call to action – emphasis on the importance of buy-in from senior management, and on their being seen to actively drive and support these principles <p>Suggested session length: 30 minutes</p>	<ul style="list-style-type: none">• Refresher of the existing law (including other forms of harassment and victimisation)• Overview of new mandatory duty to take reasonable steps to prevent sexual harassment in the workplace• Liability (both for the business and personally) and enforcement action• Analysis and discussion of the practical steps employers can take to minimise the risk of sexual harassment in the workplace• Dealing with complaints• Case studies <p>Suggested session length: 90 minutes</p>



Training for All Staff	
<p>Bearing in mind the introduction of the new mandatory duty and the focus on sexual harassment, some clients are choosing to run specific anti-sexual harassment training sessions for their workforce. Other clients are choosing to run wider training that also covers discrimination and harassment related to other protected characteristics. What is appropriate for you will depend upon the circumstances of your business and your risk assessment, so we have provided both options.</p> <p>Ideally, these sessions will be compulsory for all staff, with a register taken or access log kept, to ensure that there is a full record of attendance. It is also recommended for virtual sessions that thought be given to ensuring that employees both attend and listen rather than getting on with other work. We can discuss options for this, including making the sessions interactive.</p> <p>We have also included suggested session lengths, but we would be happy to discuss these with you. For example, these could be reduced, as appropriate, by moving some of the content to a follow-up questionnaire to test understanding.</p>	
All Staff – Anti-sexual Harassment Training	All Staff – Respectful Behaviours Training
<ul style="list-style-type: none">• Overview of law on sexual harassment, including:<ul style="list-style-type: none">– Company policy– Points to remember and “watch outs”– Victimisation– Examples– “Banter”– Consequences of harassment (both for the business and personal liability)• What to do if you are a witness/bystander to harassment• Case studies <p>Suggested session length: 45 minutes</p>	<ul style="list-style-type: none">• Overview of respectful behaviours and how these can help build a healthy and inclusive workplace culture• Bullying and harassment (including sexual harassment), including:<ul style="list-style-type: none">– Company policy– Points to remember and “watch outs”– Victimisation– Examples– “Banter”– Consequences of harassment (both for the business and personal liability)• What to do if you are a witness/bystander to harassment• Case studies <p>Suggested session length: 60 minutes</p>

Contacts



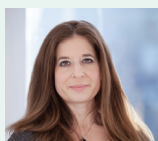
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