

Sexual harassment

Sexual harassment is unwanted behaviour of a sexual nature.

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

Employees or workers could experience sexual harassment from anyone they come into contact with because of their job, including:

- someone they work with
- a customer, contractor, client or member of the public
- a manager, supervisor or someone else in a position of authority
- someone high profile or influential

It can still count as sexual harassment even if the person did not mean it to be. The effect of the behaviour is what matters.

1. Examples of sexual harassment

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

It can 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
- emailing, texting or messaging sexual content
- displaying pornographic or sexual images on posters, calendars and cards
- having pornographic or sexual images on computers and phones
- sexual assault or rape
- touching someone against their will, for example hugging them

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment if the behaviour is of a sexual nature and it's unwanted.

The law on harassment

Harassment includes bullying because of certain 'protected characteristics' and is against the law.

Sex is one of the protected characteristics under the [Equality Act 2010](#).

The law also protects employees and workers against sexual harassment.

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

Who is responsible

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

Employers can be responsible too – this is called 'vicarious liability'. They must do everything they reasonably can to make sure their employees and workers are protected from sexual harassment.

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

Harassment because of sex

Sexual harassment is different to harassment because of a person's sex. But someone could experience both types of harassment at the same time.

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 because of sex.

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

Tracey makes a complaint that includes both types of harassment.

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

2. What you can do

It can be easier to start by talking with your employer or someone senior at work to try and [resolve the problem](#).

If you do not feel comfortable doing this or the issue is particularly serious, you can [raise a formal grievance](#).

You can also look at your workplace's policy on discrimination and harassment, if there is one. This should say how your employer handles discrimination and harassment complaints.

The policy may also tell you who to send your complaint to, for example someone at your workplace with specialist training. You should also tell your local trade union representative, if you have one.

It's a good idea to make notes before you talk to someone, especially if talking about the experience is particularly distressing.

Your employer must allow you to be accompanied by someone you work with or a trade union representative at a grievance hearing. They might let you bring a friend or family member.

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

When it's a crime

If you've been sexually assaulted or raped at work, you should report it to the police.

If you do not want to tell the police, your employer might still need to report it. They should always tell you if they're going to do this.

If the incident has been reported to the police or it's going through a court, your employer must still investigate your complaint. They can carry out [disciplinary procedures](#) without waiting for the court outcome, as long as this can be done fairly.

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 an employment tribunal claim](#). You need to do this within 3 months of the incident.

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

A sexual harassment complaint may be considered at an employment tribunal if the tribunal decides there's a good reason for taking more than 3 months to tell Acas.

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

- 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 more than 3 months 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

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If you think you've seen someone else being sexually harassed at work, you can:

- give evidence as a witness
- make a sexual harassment complaint yourself

You must not be [victimised](#) if you make 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 or given evidence

3. Making a complaint

It can be easier to start by talking with your employer or someone senior at work to try and [resolve the problem](#).

If you do not feel comfortable doing this or the issue is particularly serious, you can [raise a formal grievance](#).

It's a good idea to make notes before you talk to someone, especially if talking about the experience is particularly distressing.

You can also look at your workplace's policy on discrimination and harassment, if there is one. This should say how your employer handles discrimination and harassment complaints.

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

Being a witness

You might be asked to give evidence at a grievance hearing.

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

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

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As an employer, you should:

- take any complaint of sexual harassment very seriously

- handle it fairly and sensitively

The employee or worker making the complaint may start by talking to you to try and [resolve the problem](#).

If they do not feel comfortable doing this or the issue is particularly serious, they can raise a formal grievance. You will need to [follow a full and fair grievance procedure](#).

The complaint might come from:

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

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

You should not let your own views influence a situation or dismiss a concern. For example, behaviour you personally do not find offensive or unwanted might have a very different effect on someone else.

4. What you must do as an employer

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

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

Sexual harassment complaints will be considered at an employment tribunal if the employee tells Acas within 3 months of the incident.

A complaint may be considered at an employment tribunal if the tribunal decides there's a good reason for taking more than 3 months to tell Acas.

If the complaint has been made a long time after the incident took place, you must still take it very seriously.

You should 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 an NDA to stop someone ['whistleblowing'](#).

When it's a crime

If someone has been sexually assaulted or raped, they should report it to the police.

If they do not want to tell the police, you should still encourage them to do so. You might still need to report it but should always tell the person affected if you're going to do this.

If the incident has been reported to the police or it's going through a court, you must still investigate the complaint. You can carry out a [disciplinary procedure](#)

without waiting for the court outcome, as long as this can be done fairly.

Supporting someone who's made a complaint

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

You should make sure that:

- reporting it is as easy as possible
- the person who's experienced it feels safe and protected

This could include making sure you meet the person in a private place and allowing plenty of time to talk about it.

If there's a grievance hearing, you must allow the employee or worker to be accompanied by someone they work with or a trade union representative.

Sometimes it can help them to bring a friend or family member. It's up to you to decide what's appropriate in the circumstances, or it might be set out in their contract's written terms or in an employee handbook or policy.

Supporting someone who's been accused

It's likely to be very distressing for an employee to be accused of sexual harassment.

You must carry out a fair and thorough investigation and you should also offer support and sensitivity to the person accused.

This usually involves the same kind of things you would do to support someone who's made a complaint. For example, allowing plenty of time to talk about it and allowing them to be accompanied if there's a disciplinary hearing.

Creating or updating sexual harassment policies

You should:

- regularly review your workplace sexual harassment policies and procedures
- make a sexual harassment policy if you do not have one

Acas can help with more complex sexual harassment matters, including how to create or update a sexual harassment policy. Call 0300 123 1150, Monday to Friday, 9am to 5pm.

You can also do [Acas training on dealing with unacceptable behaviours at work](#).

[Find out more about sexual harassment in the workplace from the Equality and Human Rights Commission \(EHRC\).](#)

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Help and support is available for anyone affected by sexual harassment.

5. Dealing with sexual harassment at work

To help you understand your rights and what employers and workers can do, you can:

- [call the Acas helpline](#)
- [get legal advice](#)

Emotional support

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

- [Samaritans](#)
- [Victim Support](#)

Help after sexual assault or rape

You can get help and information from:

- [Rape Crisis England and Wales](#)
- [Rape Crisis Scotland](#)

[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](#)

Employment legal advice for women

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](#)

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