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.

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.
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.