



WORKER PROTECTION POLICY

DATE IMPLEMENTED: Full Council 19 March 2024

DOWNHAM MARKET TOWN COUNCIL

THE WORKER PROTECTION ACT (AMENDMENT OF EQUALITY ACT 2010) ACT 2023 - POLICY STATEMENT

Date of Adoption: 19 March 2024

1. INTRODUCTION

1.1 Tougher laws on harassment are to come into force in October 2024, with a new duty for employers to take “reasonable steps” to prevent staff from sexual harassment at work.

2. THE NEW EMPLOYER DUTY

2.1 Following the government’s commitment back in 2021 to strengthen protection for victims of harassment at work, the Worker Protection (Amendment of Equality Act 2010) Act 2023 received Royal Assent on 26 October 2023.

The Act introduces a new legal duty for employers to take “reasonable steps” to prevent sexual harassment of employees in the course of their employment. This aims to move the dial from a culture of redress to one of prevention, requiring employers to take a more proactive approach.

3. WHAT ARE “REASONABLE STEPS”

3.1 Under existing legalisation, employers are already liable for harassment where employees harass other employees unless that they can show they took “all reasonable steps” to prevent it (see Section 109(4) of the Equalities Act 2010). What constitutes “all reasonable steps” varies depending on the size and nature of the employer, but will often take the form of implementing and regularly reviewing equal opportunities policies, making sure employees are aware of such policies, training and dealing effectively with complaints.

3.2 However, the new duty departs from the concept of affixing liability if a claim arises which the employer has failed to take “all reasonable steps” to prevent, and creates liability for an employer who simply has not taken “reasonable steps” to prevent sexual harassment, whether or not any act of sexual harassment has taken place.

3.3 So that employers understand what “reasonable steps” they are expected to take to comply with their new duty, the Equality and Human Rights Commission (EHRC) will publish a statutory code of practice drawing on their existing non-statutory guidance.

3.4 As the new duty will be enforceable by the EHRC, they will then have the power to take enforcement action against employers who are in breach of their duty and publish information on cases.

3.5 When employers fall foul of their duty, the Act gives tribunals the power to order a compensation uplift of up to 25% of the amount awarded for the sexual harassment claim.

3.6 All employers should take action to comply with the new positive obligation to prevent sexual harassment. Beyond simply trying to avail themselves of the defence that they took “reasonable steps” to prevent sexual harassment, many organisations will want to use this opportunity to support their female/gender neutral workforce and others who are particularly vulnerable.

4. STEPS TO BE TAKEN BY THE COUNCIL FROM POLICY STATEMENT DATE OF IMPLEMENTATION

4.1 **REPORTING REGISTER** - Downham Market Town Council (hereinafter referred to as the Council) will ensure there is a reporting register for complaints about all forms of harassment. This will allow ongoing monitoring to spot themes or particularly risky practices and take action to address these. Any data protection implications of creating and maintaining the register will be taken into account by the Town Clerk. The Council will need to identify a lawful basis and ensure the register can only be accessed on a ‘need to know’ basis and is appropriately secured.

4.2 The Council will proactively identify the risk of harassment in each set of rules and circumstances and think through specific measures to protect employees in each i.e. maintenance/caretaker and administration staff.

4.3 The Council will take employee-facing steps by updating and re-circulating anti-harassment tailored training to help staff members avoid the threat of harassment, and to give those who witness harassment the means to safely intervene.

4.4 Mandatory anti-harassment training will be provided for all staff and councillors.

4.5 The Council will consider third-party steps like installing visible signs in areas where customers interact with staff members explaining that threats, violence and harassment will not be tolerated.

5. GUIDANCE AVAILABLE IN TACKLING HARASSMENT AT WORK

5.1 The Equality and Human Rights Commission’s guidance on sexual harassment and harassment at work contains steps employers should consider taking, in order to prevent and deal with harassment at work. It is intended that the introduction of the employer duty will be supported by the EHRC’s statutory Code of Practice on workplace harassment, which is due to be published by October 2024.

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