



Halting harassment

The Worker Protection Act came into force on 26 October this year. It places a greater responsibility on organisations – and leaders – to prevent inappropriate behaviour at work, explains **Tracy Powley**

The Worker Protection Act October 2024 is clear: all employers have a legal responsibility to protect their workers and will be legally liable for sexual harassment in the workplace if they have not taken reasonable steps to prevent it. Never has strong, inclusive leadership been more important in creating a zero-tolerance policy towards sexual harassment and inappropriate behaviour. Leaders need to act now.

But what are the reasonable steps that the legislation expects organisations to take, and what is the role of the leadership team in this?

The legislation requires organisations to demonstrate that they have taken ‘reasonable steps’ to prevent sexual harassment from happening.

While the reasonable steps are not specifically outlined, the key expectations are likely to be:

- A clear policy that has been updated to reflect the new legislation and is easily accessible to everyone. The organisation should also show it has communicated the content of the policy effectively (not just published it on the intranet)
- A clear message from the top that sexual harassment and inappropriate behaviour have no place in the organisation
- Training for everybody to help them understand what is meant by sexual harassment and the part we can all play in preventing it – this is an important part of bringing any policies to life
- Effective reporting mechanisms for anybody to raise concerns about sexual harassment and inappropriate behaviour

- A culture in which any concerns raised are taken seriously and treated sensitively.

The importance of role modelling

One of the first things for leaders to consider is how well they regulate their own behaviour. When sexual harassment hits the headlines, it is often those at the top of an organisation, or in a perceived position of power, who are the perpetrators. Questions to ask include:

- If the organisation has a set of values, how visibly are leaders role modelling them?
- Is interaction among the leadership team supportive and respectful? Are all voices heard and valued, or are leadership meetings characterised by dismissive comments, blaming, and simmering tensions?

Negative, disrespectful behaviours will leak out into other interactions across the business. If members of the senior leadership team (SLT) do not respect each other, how can they expect others to? People take their cue from how their leaders behave.

Hold each other to account

How willing are the leadership team to call out inappropriate behaviour in their colleagues? If the team is truly based on trust, each leader should be able to raise a concern if they feel a peer’s behaviour is unacceptable.

What action would be taken if a fellow director was heard commenting on an employee’s appearance in a way that felt uncomfortable? Or a fellow board member had too much to drink at an awards ceremony and was seen draping themselves over a team member? How about if a senior manager was leading the jokes around a team member’s love life? Would other members of the SLT feel able to raise this with them – or would it all be dismissed as ‘just a bit of banter’?

The ‘banter’ defence comes up time and time again in cases of sexual harassment. It is vital that leadership teams have a shared understanding of where the lines are. When does ‘harmless’ banter cross the line? How do managers step in to address inappropriate humour without seeming like the killjoy? And how will the SLT hold each other to account for their individual behaviour?

The Equality and Human Rights Commission (EHRC) guidance is clear that training is a key part of the preventative steps. The tone and culture for an organisation are set and led from the top. So, start with the leadership team and your managers. They are pivotal in getting the right message out and demonstrating the right behaviours. Ensure the training helps them agree how they will tackle inappropriate behaviour among themselves as well

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as in others. Give them time and space to discuss their responsibilities, and how they will support each other and lead from the front.

Revisit this regularly. It is not enough to have the conversation once and assume that ticks the prevention box. Workplaces evolve, team members leave or join, and working relationships shift and change, so regular review of behaviour is vital.

Be aware of power dynamics

In the TUC research *Still just a bit of banter? Sexual harassment in the workplace*, nearly one in five respondents reported that it was their direct manager or someone with direct authority over them who was the perpetrator. Power can also come from how valuable someone is perceived to be, such as a high biller or an important client, or how long someone may have been in the business. The leadership team should be aware of this – particularly in understanding that power is one of the main barriers to people speaking up about sexual harassment. To raise a concern about your director’s behaviour is too often seen as career limiting, along with a worry that it won’t be taken seriously. According to the Government Equalities Office 2020 Sexual Harassment Survey, only 15% of people report their experience formally – and that means most organisations are underestimating the amount of harassment taking place.

Consider all aspects of the ‘workplace’

The leadership team should think about what constitutes the workplace. It is not just in an office or on the shop floor. It is also in virtual meetings, WhatsApp groups, in the pub after work with colleagues, and at networking and industry events.

Also, consider what action would be needed if a client behaves inappropriately? We worked with one organisation where a male and female member of the team had gone to a client meeting. The client (male) made a comment to the male team member about his female colleague: “Thanks for bringing the eye candy along.” Quite apart from thinking what the right supportive thing to do in that situation might be, the updated EHRC guidelines make it clear that third-party harassment should be treated in the same way as sexual harassment within the organisation. Leaders need to discuss and agree what steps to take to prevent this happening, or how to tackle it if it does.

By opening up these conversations a leadership team can bring much-needed clarity to the many grey areas, and use that to take meaningful action. **E**

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