

Preventing Harassment

A Business Owners Guide



Introduction



Harassment prevention in the workplace is not only a legal requirement but a fundamental part of creating a safe, respectful environment that promotes productivity and employee well-being. As a business owner, you hold a unique responsibility to ensure that harassment and bullying are actively deterred within your company. Harassment related to protected characteristics—such as age, disability, race, sex, religion, or sexual orientation—is unlawful and can lead to severe legal consequences if left unaddressed. Importantly, you can be liable for workplace harassment incidents even if you were unaware of them, making it crucial to establish effective policies and prevention measures.

Read on for our guide on how to ensure your business is equipped to manage these risks and promote a respectful workplace.



Policies and Risk Assessments

UPDATE AND ENFORCE ROBUST ANTI-HARASSMENT POLICIES

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Having a written anti-harassment policy is essential, but to truly protect your business, policies need to be active, comprehensive, and specifically tailored to your organisation's environment. Policies should be accessible to all employees, clearly define unacceptable behaviour, outline reporting processes, and provide guidelines for addressing complaints, including third-party harassment (such as clients or customers). Regular updates are essential for full legal compliance as legislation and recommendations evolve, particularly with emerging requirements around sexual harassment. By aligning your policies with current legal obligations, including specific provisions for different forms of harassment such as sexual harassment, you demonstrate a commitment to your employees' welfare and your legal compliance.



THOROUGH AND REGULAR RISK ASSESSMENTS

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Under UK law, employers must take “all reasonable steps” to prevent harassment in the workplace, and regular risk assessments are a central part of this obligation. Risk assessments help identify environments or job roles where harassment risks may be higher. By systematically identifying areas of vulnerability—such as high-stress positions or positions with significant customer interaction, such as in hospitality, you can proactively implement measures that minimise risks of harassment. A risk assessment also highlights structural issues within an organisation that may allow harassment to go unreported. Not only does it help to actively protect employees, but documenting these regular assessments provides evidence that you're actively working to prevent harassment, and “reasonable steps” were taken, which can be critical in defending against liability claims in tribunal cases. Regular assessments also serve as documentation, which can be instrumental in tribunals. Your resource pack also includes a sample risk assessment document for you to consider.

Training and Documentation

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PROVIDE ONGOING TRAINING

One-time training sessions are never sufficient to adequately foster awareness and prevention. Effective training goes beyond general guidelines and addresses the specific challenges of your workplace. You must provide tailored training that is specific to both the workplace environment and individual roles that equips employees with practical knowledge of harassment. Employees should understand what constitutes harassment and the company's reporting procedures, while managers should be trained to recognise early warning signs, manage complaints with sensitivity, and handle ambiguous situations such as inappropriate jokes or "grey areas" like banter. Training that includes real-life scenarios can clarify expectations around behaviour and reporting. For example, incorporating bystander training to empower employees to intervene or report incidents they witness. This may be something you also need to include in your induction process. Repeating training regularly demonstrates your commitment to compliance, reinforces your anti-harassment policies and underscores your commitment to a safe workplace.



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DOCUMENT YOUR PREVENTION EFFORTS

In the event of a legal challenge, clear documentation of your efforts to prevent harassment is crucial. Documenting all harassment prevention efforts, including training attendance and materials covered, policy dissemination, risk assessments, complaint handling, feedback from employees and policy enforcement actions, serves as proof of compliance and due diligence. Documentation can serve as evidence that you took reasonable steps to prevent harassment, the company's compliance with legal standards and demonstrates that preventive measures were actively maintained. These records can be essential if you need to demonstrate your commitment to preventing harassment, potentially protecting your business from liability. If it's not written down, it didn't happen.

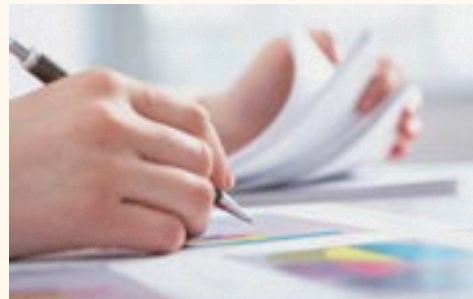
Third Party and Reporting Channels



PREPARE FOR THIRD-PARTY HARASSMENTS

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Employees can face harassment not only from colleagues but also from clients, customers, and other third parties. Harassment by third parties such as clients or customers can be especially prevalent in sectors like hospitality and retail. To mitigate this risk, businesses should address third-party harassment directly in their anti-harassment policies and include measures for handling external issues. Specific training can prepare employees to handle these situations safely, and contractual clauses with external suppliers and clients can reinforce the organisation's commitment to anti-harassment, ensuring that everyone interacting with your business understands your stance against harassment. Failing to address third-party harassment could make you liable if it becomes a significant risk factor in the workplace.



ESTABLISH AND PROMOTE CLEAR REPORTING CHANNELS

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Providing multiple reporting channels ensures that employees feel comfortable reporting incidents, especially if they involve supervisors or others in power. Clear, accessible reporting channels encourage and reassure employees that they can safely and confidentially address concerns and to speak up without fear of retaliation. Providing multiple options—such as anonymous reporting tools, HR hotlines, and physical suggestion boxes ensures that all employees feel they have a safe way to report issues. It's essential to advertise these channels clearly and make confidentiality a priority, which builds trust and encourages open communication. Regularly reminding employees about them is key to promoting an open and supportive workplace and fosters trust in the organisation's commitment to harassment prevention.



Policy Reach and Senior Responsibility

EXTEND ANTI-HARASSMENT POLICIES TO OFF-SITE ACTIVITIES

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A respectful workplace culture must extend beyond the physical boundaries of your office to any location where employees represent your company. Work at team retreats, work-related gatherings, networking events and holiday parties fall under the scope of your anti-harassment responsibilities. As these gatherings can carry unique risks where misconduct can occur, ensuring that your policies apply to these settings and other off-site activities protects your business from potential liabilities and reinforces the seriousness of your commitment. Workplace culture plays a major role in preventing harassment. A respectful culture discourages inappropriate behaviour and supports those who report harassment. Regular surveys, feedback sessions, and cultural assessments can help identify areas for improvement in workplace culture.

ASSIGN RESPONSIBILITY AT A SENIOR LEVEL

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By assigning a senior leader or board to oversee harassment prevention ensures accountability and sends a clear message about the organisation's commitment to a respectful workplace. This assignment signals to employees that preventing harassment is a company priority and helps ensure consistent policy enforcement across all departments. This level of accountability can help ensure that your anti-harassment policies are implemented consistently, monitored regularly, and updated as needed, which reduces gaps in policy enforcement that could otherwise lead to legal vulnerabilities. It also shows employees that senior management is committed to fostering a safe and respectful work environment.



Consistency and Staying Informed

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ACT CONSISTENTLY ON COMPLAINTS

Addressing complaints transparently and with consistency demonstrates to employees that harassment is taken seriously and will not be tolerated. Taking complaints seriously and following documented procedures for resolution are critical for fair and transparent handling of harassment claims. When complaints are investigated and resolved with documented outcomes and confidentiality is respected, employees are more likely to trust in the system and come forward with concerns, which can reduce incidents of harassment and improve workplace morale. Consistent handling of complaints reassures employees and demonstrates a fair, harassment-free workplace.



STAY INFORMED ON LEGAL STANDARDS

Keeping up with changes to legislation is essential for effectiveness and compliance. The Equality and Human Rights Commission's (EHRC) Code of Practice on harassment provides additional guidance and information on best practices to help employers understand and meet their legal obligations, especially concerning behaviours related to protected characteristics. Keeping abreast of the latest legal requirements and guidance, helps you to stay compliant and proactively protect your employees. Being informed ensures that your practices remain aligned with evolving legal standards, helps prevent non-compliance and reduces risks of liability.



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Consequences Of Non Compliance



Failure to take reasonable steps to prevent harassment can result in significant consequences. Legal ramifications may include:

- **Civil Claims:** If harassment occurs and prevention steps weren't adequately documented or enforced, employees can pursue civil claims for damages.
- **Criminal Penalties:** In cases involving repeated or severe harassment, criminal fines or imprisonment may apply, with potential penalties for harassment outside the workplace when related to the employment relationship. Harassment of employees by external parties, if improperly managed, can also attract criminal scrutiny.
- **Reputational Impact:** Beyond legal risks, workplace harassment cases can significantly harm a company's reputation, impacting client relationships, employee retention, and a decline in overall productivity.

Preventing workplace harassment is more than a legal requirement; it is integral to maintaining a safe workplace culture. Taking proactive measures to prevent harassment demonstrates leadership's commitment to maintaining a safe, respectful environment and reduces both reputational and financial risks associated with workplace harassment claims.

Additional Resources



Complete Training and Information Sessions

Complete PowerPoint presentation with script, for you to deliver to your employees with additional management resources.

Pre recorded training session from one of our expert HR Consultants that can be delivered within your business at a time to suit you.

Train the trainer session delivered by one of our expert HR Consultants to equip you to deliver training expertly to your organisation.



As a business, you can maintain compliance whilst offering interactive & engaging online courses for your employees with BreatheHR's Learn module. Get in touch with one of our consultants if you would like to know more about adding BreatheHR and their learn module to your service package.

Contact Information

For further information or assistance in bringing this all to life and ensuring compliance in your business, please don't hesitate to contact the team.



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