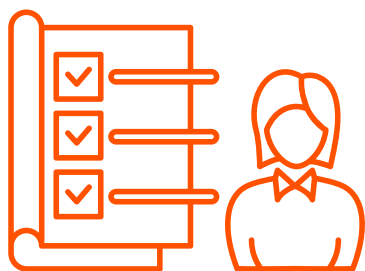


Navigating the Worker Protection Act 2023: Everything you need to know

Imagine starting your first day at a new job, filled with excitement and optimism. You're eager to contribute, learn, and grow in your new role. But what if, instead of support, you face unfair treatment, unsafe working conditions, or even harassment?

Unfortunately, these issues are more common than you might think. That's where the Worker Protection Act comes in. This crucial piece of legislation isn't just about rules and regulations - it's about ensuring that every worker, from entry-level employees to seasoned professionals, has the right to a fair, safe, and respectful workplace.

What Does It All Mean?



1

Employers in the UK will have a legal duty to work preventatively to address sexual harassment in the workplace

2

Employers must take reasonable steps to prevent sexual harassment of employees in the course of their employment



3

This extends to when employees are working outside of their office, and when they are attending social events that are considered an extension of work



This new legislation, an update to the Equality Act 2010 (EA2010), will come into effect in October 2024. It strengthens the existing provisions by placing a proactive duty on employers to take reasonable steps to prevent sexual harassment, rather than merely responding reactively when incidents occur.



What Does It Include?

The Act amends the Equality Act 2010 to strengthen protections for employees and increase penalties for employers who fail to prevent sexual harassment in the workplace.

The Act's key provisions include:



PREVENTATIVE DUTY



The Act imposes a new statutory duty on employers to take reasonable steps to prevent sexual harassment in the workplace, shifting the emphasis from reactive to proactive measures.

EMPLOYEE EMPOWERMENT



The Act aims to empower employees to report harassment without fear of retaliation. Clear procedures for reporting incidents, combined with **a culture of trust**, are critical to creating an environment where workers feel safe to come forward.

INCREASED COMPENSATION FOR HARASSMENT CLAIMS



Under the Act, compensation for harassment claims may increase due to a greater focus on employers' obligations to prevent harassment.

THIRD-PARTY HARASSMENT LIABILITY



Previously, employers were liable for harassment by third parties only if it occurred on at least two occasions. The new Act removes this "two-strike rule," placing more responsibility on employers to act swiftly after even one instance of third-party harassment.

The new duty to prevent sexual harassment will be enforceable by Employment Tribunals, which handle workplace harassment claims made by employees against their employers.

If a business is found not to have taken reasonable steps to prevent harassment, it can be held liable. Under the new Act, this could also result in an additional compensation increase of up to 25%, payable by the employer to the employee.



What Does “Reasonable Steps” Mean?

Under the UK Worker Protection Act, the term “reasonable steps” refers to the actions that employers must take to prevent harassment in the workplace. The phrase implies that employers have an obligation to act proactively and effectively to minimise the risk of harassment, including that from third parties like customers or clients.

Examples of reasonable steps that employers should take include:

1 IMPLEMENTING CLEAR ANTI-HARASSMENT POLICIES

Employers should implement a clear, written policy that explicitly prohibits harassment, clearly defines unacceptable behaviours, and provides clear guidelines on how employees can report incidents.



2

PROVIDING REGULAR EMPLOYEE TRAINING

Regular anti-harassment training for employees and managers is crucial. This training should cover identifying, reporting, and responding to harassment, including third-party harassment.



3 CREATING EFFECTIVE REPORTING CHANNELS

Employers should provide confidential reporting methods for harassment involving co-workers, customers, or third parties. Options may include anonymous reporting tools and designated personnel to handle complaints.



4

Employers should regularly evaluate workplace culture for signs of harassment or bullying through employee surveys, feedback sessions, or audits of HR data.



MONITORING THE WORK ENVIRONMENT

These are just a few examples of reasonable steps, but if an employer can show they've taken these steps, they may avoid liability for harassment claims. However, failing to do so could lead to legal and financial consequences under the Worker Protection Act.



What Can You Do To Prepare?

Employers will need to prioritise preventing sexual harassment at work by taking proactive steps. The new legislation emphasises the importance of consistently reviewing and updating harassment policies. It will also require employers to conduct frequent training sessions, and handle complaints seriously.

Policy Review



- Review existing policies to ensure a clear, specific sexual harassment policy is in place.
- Define sexual harassment with concrete examples and avoid ambiguity.
- Communicate the policy clearly to all staff, focusing on prevention.

Leadership



- Leadership must set the tone by modelling appropriate behaviour and addressing misconduct decisively.
- Visible commitment from senior management reinforces the organisation's stance on preventing harassment.

Handle Complaints Seriously



Set up a confidential reporting system with multiple options, such as online tools or designated management contacts. Ensure all complaints are taken seriously, investigated impartially, and handled promptly, maintaining confidentiality for both the complainant and the accused throughout the process.

Training



- Provide regular training for all staff, including new hires and refreshers
- Focus on recognising harassment, responding appropriately, and encouraging bystander intervention.

Identify Risks



- Identify high-risk roles and situations, such as late-night shifts or power-imbalanced positions.
- Implement tailored preventive measures to address these specific vulnerabilities.

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As the UK labour market continues to evolve, the Worker Protection Act will play an essential role in shaping a fair and just workplace for all.

Understanding this Act and its implications is vital for both workers and employers, as it sets the standards for employment in the years to come.