

WORKER PROTECTION (AMENDMENT OF EQUALITY ACT 2010) ACT 2023

AGENDA ITEM No. 8

MEETING: POLICY & RESOURCES COMMITTEE

DATE: 4th DECEMBER 2024

REPORTED BY: CORPORATE AND POLICY OFFICER

1.0 Purpose of the Report

- 1.1 The purpose of the report is to advise members of new legislation, which brings with it a specific employer duty to protect employees from sexual harassment.
- 1.2 The report also confirms actions taken by officers to comply with the legislation and requests approval of amendments made to the Council's Anti-Bullying and Harassment Policy and Social Media Acceptable Use Policy, to reflect the requirements of the legislation.

2.0 Background Information

- 2.1 The Worker Protection (Amendment of Equality Act 2010) Act 2023 came into effect on 26th October 2024.
- 2.2 The law covers sexual harassment from:
 - Other employees at work
 - Third parties, such as customers, visitors, contractors or the general public
- 2.3 This is proactive legislation which specifies that employers must not wait until sexual harassment happens, they must take positive steps to prevent it. The Council is required to assess the risk of sexual harassment occurring in the workplace and put measures in place to prevent it or deal with it effectively.
- 2.4 Failure to take reasonable steps to comply with the duty to mitigate the risk of sexual harassment in the workplace could result in action by the Equality and Human Rights Commission (EHRC) and the Council may also have to pay a higher rate of compensation (up to 25%) if an employee makes a successful claim at an employment tribunal.
- 2.5 It is likely that the forthcoming Employment Rights Bill, which is currently working its way through Parliament, will further extend this legislation

3.0 Current Situation

- 3.1 The Council already has a comprehensive Anti-Bullying and Harassment Policy, in place. This has been updated to strengthen the section on sexual harassment and is attached for members' approval (Appendix A).
- 3.2 If the forthcoming Employment Rights Bill extends the sexual harassment legislation significantly, consideration will be given to creating a separate Sexual Harassment Policy at that time.

- 3.3 Sexual harassment is also covered by a number of other Council policies, which are in place to deal with any incidents of this nature – Disciplinary Policy, Grievance Policy, Equality and Diversity Policy, Mental Health and Wellbeing Policy and Social Media Acceptable Use Policy.
- 3.4 The Council’s Social Media Acceptable Use Policy has been updated to lend greater emphasis to issues of sexual harassment which occur online but are connected with the workplace (Appendix B).
- 3.5 A risk assessment of sexual harassment occurring has been carried out for all the Council’s facilities and services, with reference to guidance from a number of sources, including ACAS (Advisory, Conciliation and Arbitration Service) and the Council’s Human Resources Advisor. This will be regularly reviewed and adjusted should there be any occurrence of sexual harassment towards Council employees while in the workplace.
- 3.6 The Council already has a policy of zero-tolerance of abusive behaviour or any type of harassment towards staff from third parties, with the option of exclusion from Council property if appropriate. The Oakleaf Sports Complex may also refer abusive customers to Pub Watch if deemed necessary.
- 3.7 Most managers and staff have now received appropriate sexual harassment training, bespoke to each location or service, and attendees recorded on the staff training database. This covered a discussion of what constitutes sexual harassment, measures in place in the workplace to prevent it, what to do if a member of staff experiences or witnesses it, and how we will deal with any complaints. All members of staff have been issued with a handout tailored to each service area to remind them of the main elements of the training. This will also be included in induction packs for new staff. Any staff who missed the training sessions due to absence or leave, will also receive the training.
- 3.8 Once approved, the updated Anti-Bullying and Harassment Policy and Social Media Acceptable Use Policy, will be readily available for all staff to refer to in each of the Council’s settings.

4.0 Impact on Great Aycliffe Town Council

- 4.1 The Town Council already has robust policies in place to prevent or deal with bullying and any type of harassment. Reported incidences or complaints of sexual harassment at any of the Council’s settings are very rare and are dealt with swiftly and appropriately.
- 4.2 In taking reasonable steps to prevent sexual harassment in the workplace, including identifying risk factors, raising employees’ awareness of what constitutes sexual harassment, training them in how it should be reported and dealt with, and regularly reviewing arrangements in place, the Council is complying with its legal duty under the amended Equality Act.

5.0 Policy Implications

- 5.1 This complies with the Council’s Aims and Targets No. 1:
‘To provide good quality governance and management of the Council’

6.0 Staffing Implications

6.1 Staff receive specific training on recognising and dealing with sexual harassment and have easy access to all of the Council's policies and procedures. Staff are aware of reporting procedures and all have 'open door' access to any of the Council's senior managers should they wish to report any incident or request advice.

7.0 Financial Implications

7.1 None directly. Training has been carried out in-house. However, failure to comply with the legislation could result in an increased compensation award for any successful sexual harassment claim against the Council.

8.0 Crime and Disorder Implications

8.1 None.

9.0 Equal Opportunity Implications

9.1 The Anti-Bullying and Harassment policy identifies that any type of bullying and harassment related to protected characteristics will not be tolerated.

10.0 Environment, Biodiversity and Climate Change Implications

10.1 None.

11.0 Risk Assessment

11.1 It is not considered that the matter contained in this report poses a risk to health and safety of staff or to the financial or public standing of the Council to a degree that a risk assessment should be appended to this report.

12.0 General Data Protection Regulations (GDPR)

12.1 Is any personal or sensitive data required for this proposal which may have any implications for GDPR? No

13.0 Recommendations

13.1 It is recommended that Members:

- i) Receive the report.
- ii) Note the actions taken by officers to comply with the legislation
- iii) Approve the amended Anti-Bullying and Harassment Policy
- iv) Approve the amended Social Media Acceptable Use Policy

Corporate and Policy Officer