

Sexual harassment: Supporting employers to comply with the preventative duty

Since October 2024, the Worker Protection Act 2023 (WPA) has imposed an obligation on employers to take proactive steps to prevent sexual harassment in the workplace, and the Employment Rights Act 2025 (ERA) will impose more onerous duties. Here, we explain what these changes mean for employers, steps they can take to comply with the law and how the team at Bellevue Law can help.

What has changed?

Sexual harassment was already illegal, and employers could be held liable when it occurred at work. However, the WPA has gone further, creating a positive duty on employers to take reasonable steps to prevent sexual harassment of employees in the course of their employment.

Guidance published by the Equality and Human Rights Commission (EHRC) makes it clear that employers are expected to anticipate scenarios when sexual harassment may take place and take action to prevent it, as well as learning lessons from any incidents which do occur.

Where employers fail to comply, the EHRC has the power to take enforcement action. And if an Employment Tribunal finds employees have been sexually harassed and the employer did not take reasonable steps to prevent this, they can increase compensation by up to 25%.

In both cases, employers will be likely to face reputational, as well as legal and financial, consequences.

From October 2026, the ERA will impose a stricter duty, to take all reasonable steps to prevent sexual harassment. It will also make employers liable for harassment by third parties, unless they have taken all reasonable steps to prevent it.



The skill set and experience of these senior lawyers. Punching above their weight whilst driving ethical change.

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What should employers do to comply with the new laws?

The law doesn't specify what actions employers must take, and what is reasonable will depend on the size, type and resources of the organisation. The government plans to provide guidance on the stricter obligation introduced by the ERA in 2027.

However, it is clear that all organisations should consider the specific risks to their own employees, whether from

colleagues or third parties such as clients, customers and members of the public. All employers should conduct and document a tailored risk assessment and mitigation plan, including considering past complaints and areas of vulnerability.

Employers should also review and update policies and communicate these effectively to all staff. It will often be advisable to provide training as well, ideally in a manner that addresses the specific issues faced by the organisation and allows for clarification of any potential areas of uncertainty or misunderstanding. And it may be appropriate to communicate to third parties that sexual harassment will not be accepted.

Employers should take compliance with with these new duties seriously and not treat it as a tick-box exercise.

The message that sexual harassment is entirely unacceptable needs to come from the top of the organisation, and policies must be seen to apply to everyone, however senior.

Unfortunately, sexual harassment is very common, so many employers will have to address allegations of misconduct at some point in time.

Employers should consider how to ensure employees feel safe reporting concerns – some choose to provide the option of reporting to a trusted external provider.

Investigations and disciplinary processes should be conducted thoroughly and with care and respect for all parties, including both the complainant and the alleged wrongdoer. These are complex and difficult proceedings, with significant ramifications for both parties and the employer, and it is usually sensible to take advice on how to manage them.

And employers should consider any lessons to be learnt and whether there are steps they can take to prevent similar issues arising in future.

How can Bellevue Law help?

Our team of 23 partner-level workplace lawyers has extensive experience of advising on sexual harassment, discrimination and other equalities issues, providing workplace equality and diversity training and conducting investigations.



We can support you to:

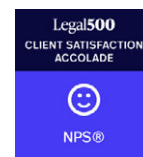
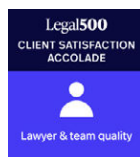
- + Perform an assessment of areas of risk in your organisation and identify steps to address these
- + Review and update policies and practices
- + Provide bespoke training

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The work that Bellevue delivers is nothing other than outstanding. As a firm, they are responsive, pragmatic and fair.

CLIENT SATISFACTION SURVEY

If concerns about inappropriate behaviour are raised, we can also support you to investigate allegations appropriately and with fairness to all parties.



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Please get in touch if we can support you or your business.

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