Sexual Harassment Risk Assessment

What is Sexual Harassment?

According to ACAS '*sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment:*

- *Employees and workers*
- *Contractors and self-employed people hired to personally do the work*
- *Job applicants*

To be sexual harassment, the unwanted behaviour must have either:

- *Violated someone's dignity*
- *Created an intimidating, hostile, degrading, humiliating or offensive environment for someone*

It can be sexual harassment if the behaviour:

- *Has one of these effects even if it was not intended*
- *Intended to have one of these effects even if it did not have that effect'*

https://www.acas.org.uk/sexual-harassment

Employers have a legal duty to prevent all workers from sexual harassment, whether it is from a colleague, a manager or a 3rd party such as a client, customer or patient. In October 2024 a new duty was introduced under the Equality Act 2010 which requires employers to take 'reasonable steps' to prevent sexual harassment of their employees and new guidance for employers on how they can protect their

staff was introduced. https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance. Using a Risk Assessment approach ensures employers are meeting this legal obligation.

In a recent survey respondents in cleaning and hospitality said that the most common examples of SH were in the form of:

- *Sexualised comments about physical appearance*
- *Unwelcome sexual advances*
- *Pressure for dates*
- *Spreading rumours about sexual life*
- *Groping and unwanted touching*
- *Unwanted discussion of sexual relations, fantasies or stories*
- *Stalking*
- *Kissing sounds*
- *Attempted sexual assault*
- *Sharing of unwanted sexually explicit photos, emails or texts*
- *Exposure of genitals or performance of sexual acts (e.g. masturbation)*

According to the research carried out for the Challenging Sexual Harassment in Low Paid and Precarious Hospitality Work Report, the risk factors they identified included *Demographic Risk Factors, Employment/Workplace Risk Factors and Organisational Risk Factors. Some of these factors would be ones that could be included in a Sexual Harassment Risk Assessment. For example:*

- *Working in customer-facing roles*
- *Having irregular/unpredictable work schedules*

- *Working in non-unionized workplaces*
- *Working late shifts/night work*
- *Working alone*
- *Working in environments where work is deliberately sexualized*
- *Being dependent on tips/customer reviews*
- *Working in roles requiring revealing uniforms*
- *Having limited knowledge of workplace rights*
- *Being new to the workforce/lacking work experience*
- *Working in areas with weak labour markets/limited job options*
- *Lack of clear sexual harassment policies*
- *Lack of accessible reporting procedures*
- *Poor management response to complaints*
- *Cultures that normalize harassment*
- *Lack of union representation/protection*
- *Limited regulatory oversight*
- *Power imbalances between workers and management*
- *Business models that sexualize workers for profit*
- *Limited job security/high turnover*
- *Geographic isolation/working in private areas without oversight*

These risk factors often intersect and compound each other, creating situations of heightened vulnerability for workers.'

Organisation risk factors could also be included in the controls of sexual harassment, for example having a clear sexual harassment policy and clear reporting procedure with transparent and speedy management responses and trade union representation and consultation.

Whilst the campaign to ensure that all acts of Sexual Harassment are reportable, recorded, investigated and the perpetrators and those responsible are held to account for their actions or inactions in ensuring no one is sexually harassed whilst they are performing their work or in their working environment, or travelling to and from work, it is also important to ensure that employers legal duty in health and safety legislation to ensure the physical and mental health of workers is also followed.

Employers have a legal duty under the Management of health and safety at Work Regulations, to identify, assess and control the risks using a risk assessment approach. The risk assessment has to be carried out by a 'competent' person and a control hierarchy approach must be used. Also, they have a legal duty to consult worker representatives on anything that impacts on workers' health and safety. The relevant legislation is:

- The Health and Safety at Work Act (1974)
- The Management of health and safety at work regulations (1999)
- Safety Reps and Safety Committees Regulations (1977)

What is a risk assessment?

A risk assessment is the responsibility of the employer and should be carried out by a person competent in conducting risk assessments, with the relevant experience, qualifications and knowledge. It has to be 'suitable' and 'sufficient'.

A risk assessment is a systematic process of identifying hazards (anything that has the potential to cause harm), evaluate the risk and then put in place controls that follow a hierarchical approach. This means that the employer should decide firstly if the risk can be eliminated at

source i.e. work activity stops then the risk is controlled, if the work activity has to continue then can it be done in a different way to end the risk, if not then are their engineering or administrative controls that can be brought in to control the risk and finally is their PPE to control the individuals risk (but this has to be a last method of control).

Employers also have a legal obligation when conducting Risk Assessments to assess any additional factors if they employ a young person taking account of their maturity and understanding.

This document should be used to encourage your employer to control the risks of sexual harassment in your workplace. It is a preventative approach. Safety reps should be press for and be consulted on the risk assessment to make sure it is suitable and sufficient.

There are 5 main steps to conducting a risk assessment:

1. Identify the hazards – employers should identify all the factors that could be seen as an area of risk of sexual harassment
2. The hazards should be assessed to determine who might be at risk, how they could be harmed and how serious it could be, then using the control hierarchy approach determine what could be done to ensure it doesn't happen.
   For example, if 'lone working' was identified as a risk factor then a solution could be that no one would work on their own.
3. Control measures are put in place/implemented and communicated
4. The risk assessment is recorded
5. The risk assessment is reviewed periodically and if there are any acts or threats of acts of sexual harassment.

WORKERS POLICY PROJECT

A Risk Assessment Template (is provided for safety reps to make their own notes on)

Date:

Assessor/Competent Person:

Review Dates:

Signed and accepted by employer:

Signed and accepted by person appointed as competent person:

Possible Hazards	Who is at risk of being harmed	Risk Rating (see below)	Control measures	Risk Rating after Controls	Date control measures to be put in place
1.					
2.					
3.					
4.					
5.					
6.					

WORKERS POLICY PROJECT

Risk assessment table and risk calculator:

Likelihood (L)

1) Improbable
2) Remote
3) Possible
4) Probable
5) Very likely to occur

Seriousness (S)

1) Accident/injury where no injury/harm has occurred
2) Minor injury/illness – first aid/basic support only
3) 7 day injury/illness
4) Major injury/illness outcome
5) Fatal or multi-fatal outcome

Risk (R) = (L) multiplied by (S)

Highest possible score is 25 (5x5)

Numerical values rating

16-25 - High risk, immediate action needed

9-15 - Medium risk, action needed soon

<9 - Low risk

If you need additional resources or support for your workplace or union, contact the Workers Policy Project at: hello@workerspolicyproject.com

Learn More

Online at: workerspolicyproject.org/endnotdefend/

Join the campaign today! Contact us to implement best practices and reforms in your workplace.