

Sexual harassment

Preventative steps in the workplace

The case of *Fricker v Gartner Ltd* highlights the importance to employers of dealing with sexual harassment complaints in the workplace. In this case the claimant was a sales executive who was found to have been sexually harassed when, amongst other incidents, her manager made physical sexual advances towards her during work trips and referred to her as a “good girl.”

Below, we have identified five practical steps an employer can take to help reduce sexual harassment from happening and dealing with complaints. These points are not exhaustive but are a good starting point in responding to such circumstances:

1. Have equal opportunities and anti-harassment policies in place. Ideally these should be part of a company handbook containing other protective policies e.g. whistleblowing. The policies should be clear (easy to read), accessible, up to date and tailored towards the organisation.
2. Train managers in dealing with sexual harassment complaints both at the time they happen but also in identifying circumstances that could lead to a harassment complaint. The training should be of a good standard, regular and up to date.
3. Communicate with staff; adopt a zero tolerance towards sexual harassment and emphasise that such complaints will be dealt with seriously. Have an open door policy for anyone affected by sexual harassment.
4. When a complaint is received act straight away. Speak to the complainant and alleged harasser about the matter. Decide whether it can be dealt with informally or formally and set out the need for confidentiality for the period that investigations are carried out.
5. During the initial investigation, minimise contact between complainant and the alleged harasser including; change in working hours, redeployment or suspension. Advice should be taken before action is taken to ensure it is appropriate.

The employer should keep records of the incident and any steps taken in responding to it. Any investigation should be kept under review and concluded as soon as possible.

If you would like a free review of your policies relating to sexual harassment then please contact:



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