



**GORDONS**

---

**SEXUAL  
HARASSMENT**

**ONE WORD  
AGAINST THE  
OTHER AND  
THE  
EXTENDED  
WORKPLACE**

---

19<sup>th</sup> March 2025

---

---

Mary Walker

---

# WHAT IS SEXUAL HARASSMENT?

"Unwanted conduct of a sexual nature"

The Conduct has the purpose or effect of:

- Violating the victim's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for the victim



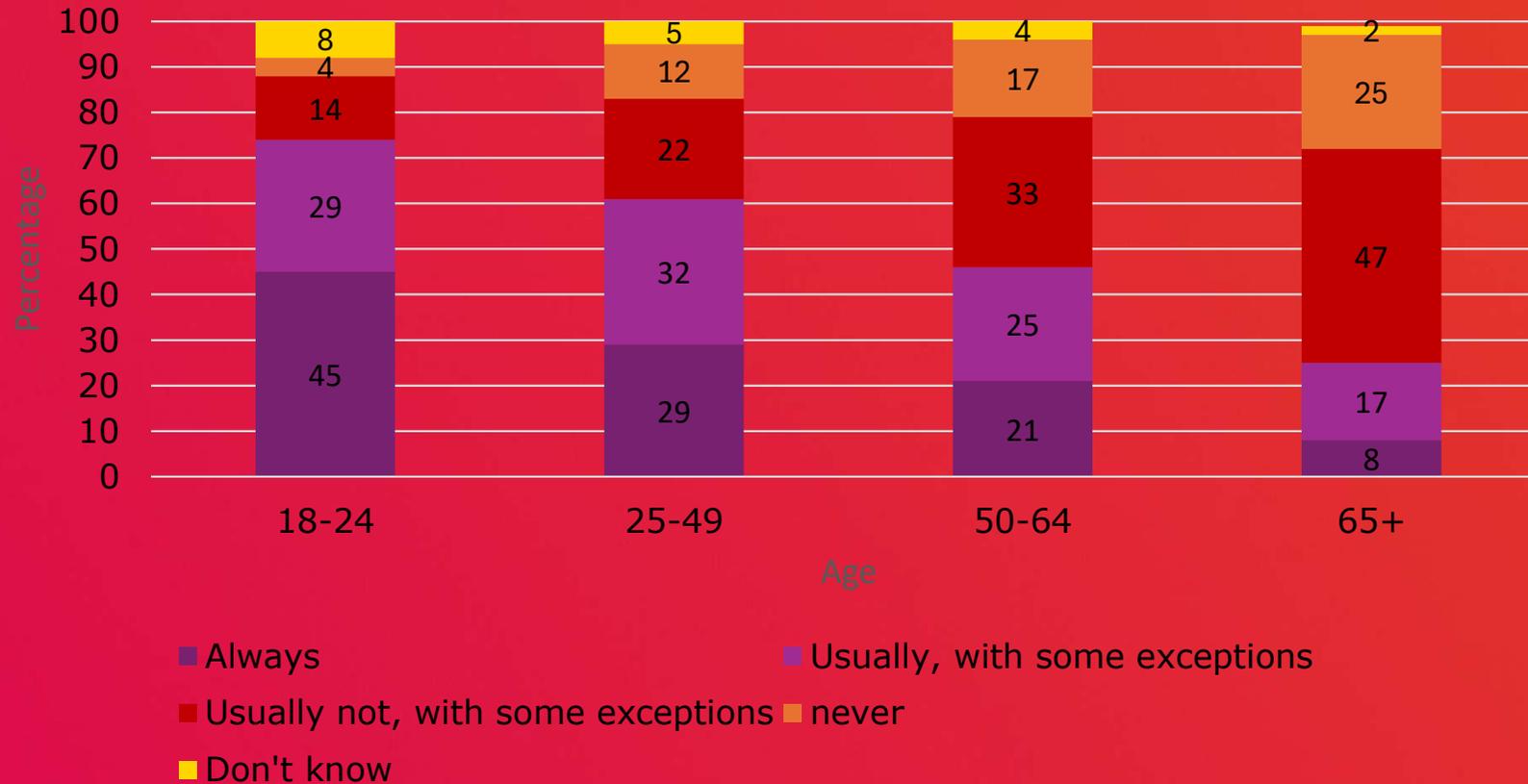
# IMPACT VS MOTIVE

- The views of the victim override the alleged harasser's motives
- The intention of the alleged harasser does not matter
- Sexual harassment law focuses on the impact of the conduct or behaviour



# CHANGING ATTITUDES

## Is wolf whistling sexual harassment?



Source information: YouGov Survey Results 24th-25th November 2022



# DUTY TO PREVENT SEXUAL HARASSMENT & EHRC GUIDANCE

**Step 1:**  
Develop an effective anti-harassment policy

**Step 2:**  
Engage your staff

**Step 3:**  
Assess and take steps to reduce risk in your workplace

**Step 4:**  
Reporting

**Step 5:**  
Training

**Step 6:**  
What to do when a harassment complaint is made

**Step 7:**  
Dealing with harassment by third parties

**Step 8:**  
Monitor and evaluate your actions

# “IN THE COURSE OF EMPLOYMENT” VS PERSONAL LIVES

- Employer is liable for harassment in the workplace
- No ‘official guidance’
- Wide spectrum
- Fact Specific



Not in the Workplace

Not in the Workplace

Workplace

Attended by Colleagues and Connected to Work

Not during working hours, but colleagues happen to be there



# WORK NIGHTS OUT – CASE LAW

- *P v Crest Nicholson plc and Crest Nicholson Operations Ltd*
- *Bellman v Northampton Recruitment Ltd*



# WORKPLACE RELATIONSHIPS

- 22% found their spouse/civil partner at work
- 33% have had a workplace relationship
- Right to Private and Family Life
- Consider risks to the business
  - Favouritism
  - Retaliation
  - Sexual harassment
- Consider how to mitigate those risks



# HOW TO DEAL WITH REPORTS OF SEXUAL HARASSMENT?

- Sexual Harassment Policy
- Grievance Procedure
- Disciplinary Procedure
- ACAS Code
- Burchell Test



# ONE WORD AGAINST THE OTHER – CASE LAW

- *Sellers v The British Council*
- *Swan v The Governing Body of Our Lady and St John Catholic College*



# RISKS

Low  
Morale

Reputational  
Damage

Tribunal  
Claims  
And Legal  
Costs

25%  
Compensation  
Uplift

Uncapped  
Award

Enforcement  
Action  
EHRC



# ANY QUESTIONS?



- [Mary.Walker@gordonsllp.com](mailto:Mary.Walker@gordonsllp.com)
- [www.gordonsllp.com](http://www.gordonsllp.com)
- 07876883464

