

Risk Assessment for Sexual Harassment - NTF Guidance for its members

The amended Equality and Human Rights Commission* guidance advises the employer to:

- consider the risks of sexual harassment occurring in the course of employment.
- consider what steps it could take to reduce those risks and prevent sexual harassment of their workers.
- consider which of those steps it would be reasonable for it to take.
- implement those reasonable steps.

What is reasonable will vary from employer to employer, depending on the size and nature of the organisation, the resources available, and the risk factors which need to be addressed. Undertaking the risk assessment and putting in risk controls, will help show you are taking steps to reduce the likelihood and impact of any sexual harassment in the workplace and encouraging a safe and respectful working place.

Example risk identification

Inappropriate comments jokes or gesture

Unwanted physical contact or advances

Distribution or display of explicit or unlawful materials

Threats, intimidation or retaliation to sexual advances

Abuse of power in a sexual context

Risk Control Measures – Possible Preventative action

Policy – comprehensive policy that defines unacceptable behaviour, reporting procedures and consequences.

Training and education

Clear reporting channels

Regular communication

Leadership commitment

The following which has been adapted from a document produced by the TUC may prove useful in helping you assess the risk of sexual harassment in your business.

Questions	Yes or No	Level of Risk Low/Medium or High	Severity of harm Low/Medium/High	Possible Preventative Action (this could include policy and training or ensuring supervision)	Review of actions taken
Do staff know what constitutes sexual harassment?					
Is there evidence of a culture of sexual harassment, be that through banter or jokes or reports of sexual harassment in the workplace?					
Do we have procedures in place such as appraisals or job chats where we can gauge workplace environment and identify issues?					
Are members of staff required to work alone?					
Are members of staff required to work with third parties alone? Third parties include contractors, clients and customers.					
Do staff travel for work?					

Do staff come into contact with third parties when travelling for work?					
Do staff attend social events with third parties?					
Is there staff accommodation?					
Are there junior staff who may feel they have less power to raise issues about other staff or third parties?					
Do staff members know who they can report sexual harassment to?					
Do self employed and contractors know the yard rules?					
Do self employed and contracts know who to report any concerns to whether about themselves or others?					

*This is from the draft technical guidance. The updated technical guidance will be published in September 2024 and is expected to have similar advice for employers and so this is a good starting point to prepare your risk assessment.

This risk assessment forms part of guidance for NTF members being prepared in advance of the implementation of the Worker Protection (Amendment of Equality Act 2010) Bill which will strengthen exiting protection for workers against sexual harassment.