
Challenging sexual harassment in the workplace – guidance for branches and members

Introduction

Sexual harassment and abuse is receiving ongoing media coverage, highlighting its harmful consequences, especially where combined with power inequalities. Sexual misconduct within universities and colleges is also continuing to receive attention. Sexual harassment and abuse is overwhelmingly, although not exclusively, experienced by women, rooted in and contributing to ongoing other workplace inequalities faced by female members and students.

We recognise that sexual harassment and violence are endemic in society, and that our movement and the sectors we organise in are unfortunately not exempt. The transformative power of education gives us a particular responsibility to confront and challenge violence and harassment within our union and across our colleges and universities.

There are enormous challenges faced by those who experience sexual harassment and violence, including pressures from perpetrators and others in power, not to complain about violence, abuse and harassment. We are committed to ensuring there is a safe, fair and transparent system to address their experiences.

This guidance was developed as part of a programme of work to assist branches in how to deal with sexual harassment in the workplace and support members who experience this.

What is sexual harassment?

Sexual harassment is defined in the Equality Act 2010 as “unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive

environment for them". It can take many forms, including:

- Unwelcome sexual advances, propositions and/or demands for sexual favours
- Unwanted or derogatory comments about appearance or clothing
- Leering and suggestive gestures and remarks
- Offensive material being displayed, such as pornographic pictures, page three type pin-ups or calendars (including electronic form on computer screen savers or such material being circulated by email)
- Physical contact such as the invasion of personal space and unnecessary touching
- Offensive feedback/comments via social media
- Sexual assault

The effects of sexual harassment

The effects on people who experience sexual harassment are many and wide ranging, for example: impact on relationships with colleagues and personal relationships, embarrassment, anger, irritability, anxiety, loss of confidence and self-esteem, loss of sleep, fear of going to work or of losing job altogether (if they were to challenge the harassment), depression, loss of appetite and time off work or leaving the job.

Your rights at work

An employer is not allowed to victimise you for complaining about sexual harassment at work. If you are victimised for complaining, or for helping a colleague to make a complaint, you can make a claim for unlawful victimisation to an employment tribunal. You should tell your union rep what is happening at the earliest opportunity.

"Victimisation" is a term used in discrimination law to describe action by an employer, against an employee, in retaliation for involvement in bringing, or supporting, a complaint of discrimination.

How to stop sexual harassment at work

If you are harassed, this is what you can do:

- Don't think it's your fault or that you "asked for it"
- Keep a log of when, where it occurred, what was said and done
- Seek support from your union rep
- Speak to other people at work and find out if they have the same problem from the harasser
- If the harasser is a supervisor or manager, keep records of your job

evaluations, assignments and promotions etc.

- Speak to the harasser in the company of someone else (ideally your union rep). Be specific about what you do not like and demand that it stops
- If you don't want to speak to the harasser yourself, ask someone else to do so or consider writing a letter. It is a difficult thing to do, but can often prove very effective

Sexual harassment is a trade union issue

Sexual harassment is an issue which trade unions should actively deal with, as it is often the result of power relations in the workplace, so the most vulnerable and least protected workers are most likely to be under threat. Unions play a major role in outlawing sexual harassment at work in the following ways: pushing governments to introduce legislation; taking up cases, raising awareness and providing training as well as negotiating with employers on the issue.

Checklist for union action

- Identify a named rep for dealing with sexual harassment complaints
- Include a clause against sexual harassment in collective bargaining agreements and equal opportunities policies
- Agree a procedure with employers on cases of sexual harassment (see Appendix A)
- Ensure that employers carry out thorough and timely investigations
- Ensure that any actions resulting from the investigation are carried out without delay
- Ensure that employers take action so that harassment does not occur again in future (e.g. training)
- Push employers to abide by national agreements and prepare complaints when they do not take action
- Ensure complainant is supported and kept informed of what is happening

Other steps unions can take

Lobby government for improved sexual harassment legislation, exposing inconsistencies and gaps in implementation.

UCU training

UCU has developed a training course in dealing with individual harassment/sexual harassment cases, negotiating around policies that protect members or wish to challenge harassment, in particular sexual harassment more broadly in the workplace. For details about forthcoming training dates, please go to: <https://www.ucu.org.uk/training> We also run shorter CPD (continued

professional development) webinars on challenging sexual harassment. These are 1 ½ hours in duration and act as an introduction to the subject. They can also be delivered to branches and regions on request. For details of courses and resources please email gpickard@ucu.org.uk

UCU takes any harassment very seriously. If you feel unable to approach your branch at any point, please contact your regional office. You can find details of your regional office here: <https://www.ucu.org.uk/yourcontacts> You can also contact Charlotte Nielsen in the national Equality team for advice: cnielsen@ucu.org.uk

APPENDIX A

Model procedure for dealing with complaints of sexual harassment

Introduction

Any employee who believes s/he has suffered or is suffering sexual harassment has the right to raise this through the following procedure.

If the victim does not want to make a formal complaint, the employer still has an obligation to consider whether the event should be investigated.

Appointing 'persons of confidence'

The union and the employer should appoint several persons of confidence designated to deal with complaints of sexual harassment. These should be of both sexes or non-binary and appropriately trained.

Where persons of confidence have not yet been appointed, there should be a named first point of contact.

Keeping a log – respect confidentiality

The union and/or the employer should keep a record of complaints. This should be kept securely.

At all times both the victim and the alleged harasser have a right to absolute confidentiality.

Draw up a list of behaviour that constitutes sexual harassment

These could include:

- Unwelcome sexual advances, propositions and/or demands for sexual favours
- Unwanted or derogatory comments about appearance or clothing
- Leering and suggestive gestures and remarks
- Offensive material being displayed, such as pornographic pictures, page three type pin-ups or calendars (including electronic form on computer screen savers or such material being circulated by email)
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Dealing with complaints informally

There may be occasions when the victim feels able and prefers to deal with the complaint informally. However, s/he should not be persuaded against her/his will not to make a formal complaint.

Employees who have been harassed can decide to resolve it informally by:

- Approaching the alleged harasser, with the support of a union rep, person of confidence or colleague, saying that the behaviour is offensive, unwelcome and should stop.
- Asking one of the designated persons of confidence to approach the alleged harasser on his/her behalf.
- The employee may decide not to approach the harasser, but simply to log the complaint with one of the designated persons of confidence
- The informal complaint should be recorded
- The alleged harasser should be informed of any complaint against him/her and given the opportunity to amend his/her behaviour. Any logged complaints should trigger either informal or formal proceedings.

Dealing with complaints formally

The alleged victim

Approach the union first.

Employees should approach one of the persons of confidence to make a complaint and the date of this complaint should be logged.

A person of confidence should invite the employee to a meeting. The employee may be accompanied by a trade union representative or colleague.

The detailed complaint should be set out in writing

At the meeting the victim should be told that the complaint will be investigated and witnesses questioned, and that the alleged harasser has the right to a fair hearing.

If the alleged action is serious, then it may be necessary to relocate or temporarily suspend the alleged harasser.

This investigation is usually part of the official grievance procedure.

The alleged harasser

The alleged harasser, who may be accompanied by a trade union representative or colleague, meets with the person of confidence, is informed about the complaint and given a chance to answer the allegation.

The harasser is told that the matter will be dealt with formally and that his/her responses are also logged and that this investigation is part of the official grievance procedure.

Note: When making a formal complaint, the ACAS Code of Practice for Disciplinary and Grievance Procedures should be followed. (See 'More information')

Investigating the complaint

Establish the terms of reference for those who investigate the complaint. The designated persons of confidence should investigate the complaint impartially.

The person(s) investigating the claim will meet with any known witnesses or anyone else to establish the facts. Witnesses will be interviewed in private, not in the presence of either the alleged victim or alleged harasser

All information will be kept confidential but records of meetings must be kept

Communicating a decision

To the complainant

The person who made the complaint, who may be accompanied by their trade union representative, will be told the outcome of the investigation by the person of confidence. It will also be recorded.

To the alleged harasser

The alleged harasser will be told the result in a face-to-face meeting with the person of confidence. It will also be recorded.

The alleged harasser may be accompanied by their trade union representative.

Where the investigation decides there was sexual harassment

The victim

The employer should take all steps to reassure the victim and protect him/her from further potential harassment or victimisation whilst offering support and counselling.

The harasser

Disciplinary action will be taken, such as redeployment at work, or if the case is more severe, dismissal.

Where the investigation decides there was no harassment

The alleged victim may appeal, but may also ask to be redeployed at work.

More information

UCU bullying and harassment toolkit

<https://www.ucu.org.uk/harassment>

UCU sexual violence task group

<https://www.ucu.org.uk/article/10812/Sexual-violence-task-group>

TUC preventing sexual harassment toolkit

TUC <https://www.tuc.org.uk/resource/preventing-sexual-harassment>

ACAS guidance on sexual harassment

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

Equality and Human Rights Commission

<https://www.equalityhumanrights.com>

[Sexual harassment and harassment at work: technical guidance | EHRC](#)

APPENDIX B

Developments in law and policy

Non disclosure agreements – banned in higher education

Known as "confidentiality clauses" in the legal profession, non-disclosure agreements (NDA)s can be signed when staff are hired to protect trade secrets like inventions or ideas, but they can also be signed when employees and organisations resolve a dispute and have been used to stop workers discussing allegations of misbehaviour in the workplace, drawn up to silence victims of bullying, harassment or sexual misconduct on campus.

In January 2025 the UK government confirmed its commitment to a complete ban on the use of non-disclosure agreements in higher education where they relate to sexual misconduct, bullying or harassment. This forms part of the Higher Education (Freedom of Speech) Act 2023. There have been calls to echo these provisions in the Employment Rights Bill and provide all workers with the same level of protection from harmful NDAs.

Office for Students

The Office for Students (the regulator for higher education in England) have published a guide which summarises what universities and colleges registered with the OfS should do to prevent and address harassment and sexual misconduct.

They have published details of their requirements in a [new condition of registration with accompanying technical guidance](#).

In respect of ***intimate personal relationships***, the provider must ensure that they take steps to make a significant and credible difference in protecting students from any actual or potential conflict of interest and/or abuse of power. Some examples of what a provider could do to protect its students from conflicts of interest or abuse of power are:

- explicitly discouraging intimate personal relationships between relevant staff members and students
- raising awareness among students of behaviour that could amount to abuse of power, coercion, or sexual and/or romantic advances
- empowering students to refuse and report inappropriate behaviours from staff and providing information on where they can access support
- ensuring staff receive training about appropriate professional boundaries.

[Staff and student relationships - Office for Students](#)

This condition of registration came into force on 1 August 2025.

Worker Protection Act – new protections from sexual harassment

From 26 October 2024 a new Duty under the Equality Act 2010 placed a legal duty on employers to take reasonable steps to prevent sexual harassment and create a safe working environment.

Employers now have a duty to anticipate when sexual harassment may occur and take reasonable steps to prevent it. If sexual harassment has taken place, an employer should take action to stop it from happening again. This sends a clear signal to all employers that they must take reasonable preventative steps against sexual harassment, encourage cultural change where necessary, and reduce the likelihood of sexual harassment occurring.

The Equality and Human Rights Commission's guidance on sexual harassment for employers has been updated to reflect the new legal requirements under the WPA: <https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance>

There is also a useful guide from the TUC, "What is the Worker Protection Act? New preventative duty explained" here: <https://www.tuc.org.uk/blogs/what-worker-protection-act-new-preventative-duty-explained>

Preventative Duty (sexual harassment) checklist

The Worker Protection (Amendment of Equality Act 2010) Act 2023, also known as the preventative duty, places a legal obligation on employers to proactively prevent sexual harassment in the workplace. This duty came into effect on October 26, 2024. It requires employers to take "reasonable steps" to prevent sexual harassment of their workers. The emphasis on this new legislation is the proactive measures employers must take and the potential consequences of failing to comply.

Key aspects of the preventative duty:

○ Proactive Approach:

- Employers must actively work to prevent sexual harassment, rather than just reacting to incidents that occur.

○ Reasonable Steps:

- The law doesn't specify exact measures, allowing for flexibility, but employers must take steps that are considered reasonable for their specific workplace.

○ Third-Party Harassment:

- The duty extends to preventing sexual harassment by third parties, such as clients, customers, or suppliers.

☐ **Consequences of Non-Compliance:**

- ☐ Tribunals can increase compensation by up to 25% for successful sexual harassment claims if an employer hasn't taken reasonable steps to prevent the harassment.

☐ **Enforcement:**

- ☐ The Equality and Human Rights Commission (EHRC) can also take enforcement action against employers who fail to meet their obligations.

☐ **Consultation:**

- ☐ Employers should be consulting with unions on how they plan to meet their obligations under the new law.

☐ **Policy Review:**

- ☐ We encourage branches to press employers for a review of existing policies and procedures, ensuring they are adequate to address the preventative duty.

☐ **Risk Assessments:**

- ☐ Regular risk assessments are needed to identify potential hazards and develop targeted prevention strategies.

☐ **Training:**

- ☐ Comprehensive training for all employees, including managers, on what constitutes sexual harassment and how to prevent it, is key.

☐ **Reporting Mechanisms:**

- ☐ Employers must ensure that clear and accessible reporting mechanisms are in place for employees to report incidents of sexual harassment.

☐ **Zero Tolerance:**

- ☐ Employers should promote a culture of zero tolerance for sexual harassment and ensure that all members are aware of the consequences of engaging in such behaviour.

Further information and advice

Employer 8-step guide: Preventing sexual harassment at work

[Employer 8-step guide: Preventing sexual harassment at work | EHRC](#)

Sexual harassment and harassment at work: technical guidance (EHRC)

[Sexual harassment and harassment at work: technical guidance | EHRC](#)

ACAS sexual harassment guidance

[What sexual harassment is - Sexual harassment - Acas](#)

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