

Sexual harassment and the law

Guidance for employers on sexual harassment in the workplace

- Read the Equality and Human Rights Commission guidance for employers on sexual harassment in the workplace [<https://www.equalityhumanrights.com/en/publication-download/sexual-harassment-and-harassment-work-technical-guidance>]. The guidance offers a legal explanation and practical examples of how to tackle and respond effectively to harassment, including:
 - a definition and examples of harassment and victimisation
 - the effect of harassment in the workplace
 - your responsibilities as an employer
 - how to prevent and respond to harassment.
- Refer to the ACAS website [<https://www.acas.org.uk/sexual-harassment>] for more information about what sexual harassment is, guidance on making a complaint and how employers should handle those complaints.
- The Law Society has published general guidance Understanding workplace harassment [<https://www.lawsociety.org.uk/support-services/advice/articles/understanding-workplace-harassment/>] and guidance for employers, Workplace harassment: guidance for employers [<https://www.lawsociety.org.uk/support-services/advice/articles/workplace-harassment-guidance-for-employers/>] which includes some actions you could take as an employer to help prevent sexual harassment.

Resources on the use of non-disclosure agreements

We have issued a Warning Notice [</solicitors/guidance/non-disclosure-agreements-ndas/>] about the use of non-disclosure agreements and provide more information in our risk paper on Balancing duties in litigation [</risk/risk-resources/balancing-duties-litigation/>].

There is further guidance available on the use of non-disclosure agreements in settlement agreements:

- The Equality and Human Rights Commission has published guidance on the use of confidentiality agreements in discrimination cases [<https://www.equalityhumanrights.com/en/publication-download/use-confidentiality-agreements-discrimination-cases/>]. It gives a clear explanation of the law in relation to confidentiality agreements, describes good practice when using confidentiality agreements, as well as explaining when they would be unlawful. The guidance will help employers to understand how and when they can use confidentiality agreements legitimately, and when these agreements will not be enforceable.
- ACAS has published guidance on non-disclosure agreements [<https://www.acas.org.uk/non-disclosure-agreements>] which helps people understand what non-disclosure are and when they might be used appropriately in an employment context.
- The Law Society has published a Practice Note [<https://www.lawsociety.org.uk/support-services/advice/practice-notes/non-disclosure-agreements-and-confidentiality-clauses/>] about non-disclosure agreements and confidentiality clauses in an employment law context.

Government proposals to tackle sexual

harassment and the inappropriate use of non-disclosure agreements

The #MeToo movement has prompted a review of sexual harassment and the use of non-disclosure agreements in the workplace and you can read more about the issues and the proposals to tackle the problems through the links below.

- Equality and Human Rights Commission publication Turning the Tables
[<https://www.equalityhumanrights.com/en/publication-download/turning-tables-ending-sexual-harassment-work>]
published in March 2018
- Women and Equalities Committee's report on Sexual harassment in the workplace published in July 2018
- Government's response to the Committee's report, published in December 2018
- Women and Equalities Committee' Inquiry into the use of non-disclosure agreements in discrimination cases
- The governments response to a consultation by the Department for Business, Energy and Industrial Strategy on measures to prevent misuse of confidentiality clauses in situations of workplace harassment or discrimination.