New Changes on Workplace Harassment

Understanding the Impact on Workplace Policies and Practices

Scottish Engineering Breakfast Briefing

4 Sep 24 – Kevin Duffy

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Introduction

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- Importance of workplace harassment regulations
- Purpose of the presentation: to inform and guide on the new ECHR changes

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The Impact of Workplace Issues

- Workplace conflicts cost UK organisations £28.5bn a year
  - £1,000 per employee on average

- Nearly 10 Million People Affected Annually
  - Over half experience **stress, anxiety, or depression** as a result

- Consequences for Employees:
  - Just under **900,000** take time off
  - Nearly **500,000** resign
  - More than **300,000** are dismissed

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Definition of Workplace Harassment

- What is Workplace Harassment?
  - Workplace harassment is any unwelcome behavior or conduct that creates an intimidating, hostile, degrading, humiliating, or offensive work environment.
  - This behavior can be verbal, physical, or psychological in nature and is often based on personal characteristics such as gender, race, religion, age, sexual orientation, disability, or other protected attributes.

- Distinction between harassment and other forms of misconduct
  - Intent
  - Frequency
  - Impact
  - Pattern

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New Changes from 26 October 2024

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- The Worker Protection (Amendment of Equality Act 2010) Act 2023
- Clarifications on employer responsibilities
- Enhanced protections for victims of harassment
- Changes in reporting and investigation procedures
- Tribunal compensation can be uplifted by 25%

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Employer Responsibilities

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- Preventative measures and training

- EHRC* guidance: *"...new duty is anticipatory"*

- Policies and procedures for handling complaints

- Ensuring a safe and respectful work environment

- Legal liability and consequences of non-compliance

*Equality & Human Rights Commission

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Employee Rights and Protection

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- Right to a harassment-free workplace

- Third parties? No, but……

- Procedures for reporting harassment

- Protection against retaliation

- Support services available for victims

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Impact on Workplace Policies

- Reviewing and updating existing harassment policies
- Implementing new training programs
- Strengthening reporting mechanisms
- Ensuring transparency and accountability in investigations

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Case Studies

- Google Walkout (2018)

- Harvey Weinstein Scandal (2017)

- Uber Sexual Harassment Investigation (2017)

- Fox News allegations (2016)

- Nike's workplace culture allegations (2018)

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Implementation Strategy

- **Step 1:** Policy Review and Gap Analysis

- **Step 2:** Engage Legal and HR Experts

- **Step 3:** Develop and Implement Updated Policies

- **Step 4:** Continuous Training and Awareness Programs

- **Step 5:** Establish Strong Reporting Mechanisms

- **Step 6:** Ongoing Monitoring and Evaluation

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Challenges and Considerations

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- Resistance to change within the organization
    - Secure commitment from top down.
    - Involve employees in review and implementation.
    - Utilize technology with reporting and training processes.

- Balancing confidentiality with transparency
    - Establish strict confidentiality protocols
    - Clearly communicate the steps of the process and timeframes.
    - Clear policies to identify what information will be shared.

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Resources and Support

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- EHRC guidelines and official documentation

- Legal and HR advisory services

- Employee Assistance Programme (if Co has one)

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Any Questions

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