

North East Derbyshire District Council

Standards Committee

15th October 2024

New sexual harassment legislation

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To inform Members of the new legislation in relation to sexual harassment which comes into force in October 2024.

RECOMMENDATIONS

1. That Members note the new legislation on sexual application, note that employees have been and are being trained on the requirements and that it applies to third parties dealing with officers.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

As in the report

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

As in the report

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none">Completed EIA stage 1 to be appended if not required to do a stage 2	Not required as this is reporting new legislation.
Stage 2 full assessment undertaken <ul style="list-style-type: none">Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Chair of Standards Committee.

Links to Council Plan priorities;

- **A great place to work**
- **A great place to access good public services**

REPORT DETAILS

1 Background *(reasons for bringing the report)*

- 1.1 New legislation comes into force in October 2024 in relation to sexual harassment. This builds on the existing anti-harassment legislation and guidance. The legislation is The Worker Protection (Amendment of Equality Act 2010) Act 2023. This places a duty on all employers to take reasonable steps to prevent sexual harassment of their employees in the workplace.
- 1.2 A guidance document has been produced for NEDDC employees and has been distributed. This explains what harassment is, what sexual harassment is and what bullying is. This is the Anti-Harassment and Anti Bullying Guidance and is attached in Appendix 1 to this report. Team Meetings are going through the new rules and employees are signing to say that they have received this training.
- 1.3 Sexual harassment can come from third parties. Councillors witnessing sexual harassment of employees should raise this with the Head of Paid Service and the HR and OD Manager. Councillors experiencing sexual harassment personally in their role as a councillor should raise this with the Monitoring Officer in the first instance.
- 1.4 In relation to sexual harassment this guidance gives the definition:
- Conduct of a sexual nature that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment and
 - Less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.
- This is based on Section 26 of the Equality Act 2010, a copy of which is attached at Appendix 2.
- 1.4 the guidance also gives examples of the kinds of behaviour that can amount to sexual harassment. Office banter is included where such banter amounts to suggestive remarks or gender related insults.
- 1.5 Where an employer is found to have failed in their duty, an Employment Tribunal can make an exceptional award.

2. Details of Proposal or Information

- 2.1 This report is to inform Members of the legislative change and the potential for their involvement.

3 Reasons for Recommendation

- 3.1 To ensure Members are aware and know what to do in the event of being a witness or being subjected to such behaviour in the course of carrying out their responsibilities as Councillor.

4 Alternative Options and Reasons for Rejection

- 4.1 This is about awareness of legislative change and there is no alternative.

DOCUMENT INFORMATION

Appendix No	Title
1	Anti-Harassment and Anti Bullying Guidance
2	Section 26 of the Equality Act 2010
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet, you must provide copies of the background papers)	
None	