

## Government releases new sexual harassment guidance

**Preventing sexual harassment at work remains a high profile topic. New guidance published by the Equality and Human Rights Commission (EHRC) sets out updated information on what employers are expected to do to ensure their staff are protected. Here, we take a look at what the new guidance says:**

- To help employers understand what types of behaviour can constitute harassment, the guide includes "banter", "imagery", "graffiti" and "facial expressions" as ways that a person can be harassed.
- It confirms that former workers as well as some illegal workers are also protected against harassment. Employers should also be aware that acts committed 'in the course of employment', although not actually in the workplace, will be protected; this can include work related social events.
- Although there is no specific legal protection against third party harassment i.e. from clients, employers should still take measures to prevent it.
- Employers must take 'reasonable steps' to prevent harassment, which will be different for every employer.
- Reasonable steps will certainly include having an anti-harassment policy, making everyone aware of it, and providing training on harassment and victimisation.

### No automatic deportation of EU nationals after Brexit

EU nationals who have not applied to the EU Settlement Scheme to obtain permission to stay in the UK after Brexit will not face automatic deportation, says the Government. 'Good grounds' will need to be given as to why the deadline was missed. If no good explanation can be given, it appears that the individual will have no legal right to be in the UK.

#### Did you know?

If a Brexit deal is agreed with the EU, all EU nationals who are in the UK by 31st December 2020 will have to apply to the EU Settlement Scheme in order to legally continue to work in the UK. The scheme is open now and is free.

### Government to review IR35 private sector extension

The Government has confirmed it will review the extension of the IR35 rules to the private sector. The review will focus on ensuring the change takes place as smoothly as possible. There is no expectation that the extension will be shelved.

#### Did you know?

The IR35 tax system was created to ensure that contractors are paying tax in the correct way. In 2017, public sector employers took over responsibility for assessing the tax status of their contractors; this will be extended to private sector from April 2020.

### "Algorithms to blame for sex discrimination"

Algorithms used in recruitment for tech jobs in the UK, designed and tested by men, are leading to the recruitment of more men than women. Statistics show that less than a quarter of tech jobs in the UK are held by women and this is down, at least in part, to algorithms which sift applications with no human intervention.

#### Did you know?

The Equality Act 2010 extends its protection to the recruitment process, meaning that job applicants can make a claim of discrimination if they believe their application was refused because of a protected characteristic.

The new guidance on sexual harassment is a key document for employers in their journey towards creating and maintaining an inclusive and safe working environment. To ensure that you keep up to date with the guidance and any further statutory Codes of Practice on the issue, you should keep in contact with our 24 Hour Advice Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.