

# Preventing sexual harassment at work in the hospitality sector

A new hospitality focussed checklist to help employers prevent sexual harassment at work has been published by the Equality and Human Rights Commission ([EHRC](#)) and [UKHospitality](#). The checklist and action plan highlights sector-specific scenarios in which harassment may occur, such as power imbalances and lone working, and then suggests practical preventative measures.

While harassment can happen in any workplace, there are factors specific to the hospitality sector which increase workers' exposure to sexual harassment; in particular, the regular interactions with customers and working at events where alcohol is consumed.

This article highlights some of the practical suggestions put forward in the checklist for building a culture where sexual harassment is not tolerated.

Click [here](#) to view our brochure of training sessions available to you to protect your staff from sexual harassment in the hospitality sector.

## Sector focus

In 2018, Unite reported the preliminary results of a survey which found that nine out of ten hospitality staff had experienced sexual harassment at work. Since then, the #MeToo movement has seen a shift in attitudes towards sexual harassment at work. Similarly, in recent years, the hospitality sector has increasingly taken steps to protect its staff from abuse from colleagues and customers. Movements such as #FairKitchens and #NotOnTheMenu have tried to shift the culture towards respect and fair treatment.

There is no doubt that putting in place measures to prevent sexual harassment and, in turn, improving workplace culture is the right thing to do for the people working in the business. For a sector facing acute staff shortages, being known as an employer which will not tolerate abuse of staff by customers or colleagues is another part of the armoury for attracting and retaining talent.

However, looking at it through a different lens, preventing workplace harassment is also an investment in reducing risk. The reputational risk, legal fees and potential pay outs attaching to harassment claims (and other claims arising from harassment) mean that risk in this area should be prioritised in the same way as other corporate governance risks, for example non-compliance with regulatory obligations, anti-corruption and GDPR. This will become even more acute if the Government does proceed to re-introduce legislation to make employers liable for third party harassment, as it said it would in 2021 when it published its response to the 2019 consultation on workplace harassment.

## **EHRC and UK Hospitality checklist**

For hospitality (and other) employers wanting to take some/more action to protect staff against sexual harassment in the workplace, the checklist is a useful reference. For more general guidance on tackling workplace harassment please see CMS's previous articles: [Sexual harassment in the remote working era](#) and [Tackling Workplace Harassment](#).

Sexual harassment can occur in many different ways; it can include the creation of an offensive environment, but it also goes further than this to cover any unwanted conduct of a sexual nature. It may be a one-off remark or a course of conduct. Liability can arise even if the perpetrator did not intend to harass the recipient but it had the effect of doing so. Given the wide range of circumstances in which sexual harassment can occur, it is helpful that the checklist is designed to support hospitality employers through every stage of the working day, from rota design to the end of the shift. It sets out three main areas employers should consider at each part of the day, and looks at steps that can be taken before, during and after a shift:

- *Communicating with staff:* How to promote a culture of zero tolerance and let staff know that any sexual harassment will be taken seriously.
- *Changing the work environment:* How to control the environment that people are working in to make it as safe as possible.
- *Working practices:* Policies and procedures to be put in place so employers are prepared to deal with sexual harassment when it happens.

Practical issues that are specific to the hospitality sector, include:

- Has the employer made sure that staff who have control over the hours of junior staff, including the rota and opportunities to get tips, do not abuse this power in a way that would allow sexual harassment to happen?
- If resourcing allows, can the employer make sure that nobody is exposed to risks such as working alone?
- What changes can be made in customer-facing front of house roles, as well as back of house roles, to minimise the risk of sexual harassment occurring?
- Can the employer survey staff to understand if they feel vulnerable or exposed in certain situations and then taking action to reduce those risks?
- Does the employer have a process in place on how to deal with a customer who harasses a member of staff? This may include: warning systems, asking them to leave or permanently banning them from the venue.

### **Next steps**

The checklist ends with a monitoring log for employers to use to keep progress under review, reinforcing the message that it is not enough just to print off the checklist and stick it up in a back office. Indeed, a recent case highlighted the risk of well-intentioned steps (in that case training) going stale, so that it was no longer of value and not sufficient for the employer successfully to argue that it had taken all reasonable steps to prevent harassment in the workplace.

For hospitality employers wanting to create a sustainable workforce, now – with Covid restrictions having been lifted – is the time to take action on this. The checklist is an ideal starting point, but creating an inclusive and zero tolerance culture will require action, including training, policy reviews and employee engagement. For more information on how we can help you prevent workplace harassment please contact the CMS Employment Team.

## Key contact

If you would like find out more, please contact:

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