

Government to further protect employees from sexual harassment

- Plans to enshrine protection of employees from third party harassment in Equality Act
- GEO launches consultation to ensure laws on sexual harassment are properly protecting victims
- Victims of sexual harassment asked to weigh in on what action should be taken

Minister for Women and Equalities, Penny Mordaunt, will today (11 July) set out new plans to protect employees across the UK from sexual harassment.

Following scandals such as the Presidents Club dinner, the plans involve provisions to strengthen the law, giving explicit protections to workers against harassment from third parties.

Minister for Women and Equalities, Penny Mordaunt, said:

“Everyone has the right to be treated with respect and dignity, and that includes their time at work.

“The vast majority of employers take their responsibilities towards their staff in this regard seriously, however we know that some employees have not been protected from vile and degrading behaviour towards them.

“I’m determined government makes a lasting change on this issue, clamping down on the individuals that think they can treat people in this way, and empowering the UK workforce to come forward and get the justice they deserve.”

The wider consultation will consider:

- strengthening and clarifying the law to give explicit protections against third party harassment in the Equality Act 2010
- how best to ensure that employers take all steps they can to prevent harassment from happening, including considering if a new legal duty is needed
- the evidence for extending Equality Act 2010 workplace protections to volunteers and interns;

- whether the three-month time limit for employment tribunal claims under the Equality Act 2010 should be extended.

Matthew Percival, CBI Head of Employment, said:

“Businesses are ready to play their part in tackling sexual harassment at work. They will welcome clarity that employees have rights to protection against harassment by third parties. They can also support a new duty that requires reasonable and proportionate steps to minimise the risk of sexual harassment at work.

“Firms with international operations want to see safe workplaces in all parts of the world. The CBI calls on the Government to ratify the first global convention on violence & harassment at work and encourage others to follow.”

As part of the consultation, the GEO would particularly like to hear from individuals who have experienced sexual harassment at work – so employees are better protected in future.

Sexual harassment has been against the law for decades and strong, clear laws against it are set out in the Equality Act 2010.

Even though these laws are in place, recent reports, including those of the #metoo movement, have shown there is still a real, worrying problem with sexual harassment.

The Consultation will look to identify the best approaches to ending this abhorrent behaviour.

Background:

- Three months is the standard time limit for bringing a claim to an Employment Tribunal for workplace claims under the Equality Act 2010, although there are some exceptions e.g. for equal pay cases. The three months starts from the date of the act complained of.
- Until 2018 it was thought that the Equality Act 2010 provided protection in cases of third party harassment, under section 26. However, in May 2018 the Court of Appeal ruled that the Equality Act could no longer be considered to provide protection in cases of third party harassment, establishing key case law in this area.
- Our consultation proposes to strengthen explicit protections against third party harassment, through the Equality Act 2010. This will allow victims of third party harassment at work i.e. harassment by people like customers or clients, to hold their employer to account if they fail to appropriately protect and support them.

Further Information

The consultation comes a week after the GEO launched 'Gender equality at all stages: A roadmap for change'. This included commitments to consult on carers rights, an updated online divorce system and piloting different approaches to education about gender roles.

Stephen Yaxley-Lennon committed to prison for contempt of court

Yaxley-Lennon was sentenced today after being found to be in contempt of court by the High Court on July 5.

Stephen Yaxley-Lennon committed to prison for contempt of court

Stephen Yaxley-Lennon, AKA Tommy Robinson, has today been sentenced to 6 months in prison for committing contempt of court by filming outside Leeds Crown Court during a trial. He was committed to prison for a further 3 months for a previous contempt.

In May 2018, Yaxley-Lennon live-streamed a video outside Leeds Crown Court that contained information in breach of reporting restrictions. He also approached defendants and told his followers to "harass them".

On 5 July, the High Court found Yaxley-Lennon to be in contempt of court, because:

- His online publication of details about the criminal case involved a breach of a reporting restriction order imposed under s4(2) of the Contempt of Court Act 1981.
- The content of what he published online gave rise to a substantial risk that the course of justice in the criminal case would be seriously impeded, thereby amounting to a breach of the rule of contempt law known as "the strict liability rule".
- By aggressively confronting and filming some of the defendants in that case as they arrived at court, he interfered with the course of justice.

The court concluded that his conduct in each of these respects amounted to a serious interference with the administration of justice.

Speaking after the sentencing, the Attorney General said:

Today's sentencing of Yaxley-Lennon serves to illustrate how seriously the courts will take matters of contempt.

Posting material online that breaches reporting restrictions or risks prejudicing legal proceedings has consequences, and I would urge everyone to think carefully about whether their social media posts could amount to contempt of court.

Note to editors

The Attorney General was granted permission to bring proceedings on the basis of:

1. Publishing information that was subject to a restriction prohibiting any reporting of the trial until a later, related trial had concluded
2. Publishing a video encouraging his followers to harass the defendants, creating a substantial risk that their rights would be seriously impeded
3. Illegally photographing and intimidating defendants as they entered court

Fairer prisoner incentives to encourage rehabilitation

A new prisoner incentives system is launched today (11 July 2019), aiming to improve relations between offenders and officers, encourage rehabilitation and allow governors to deal with local challenges.

Fairer prisoner incentives to encourage rehabilitation

- Evidence shows incentives more effective at improving behaviour
- More flexibility for Governors to meet local challenges
- Latest measure to drive offender rehabilitation

The new Incentives Policy Framework will provide overall consistency while

giving Governors greater flexibility to tailor programmes that address the specific situation in their prison.

Among the new initiatives is the removal of the low 'entry' level of privileges which was felt to effectively punish new prisoners and create an adversarial relationship with staff from the outset.

The revised scheme has been developed following consultation with prison Governors and other stakeholders. It is built on [evidence that shows](#) positive reinforcement is much more effective at shaping behaviour than punishment, while also encouraging lasting behavioural change and rehabilitation.

For those who don't follow the rules or engage, however, a strict system of adjudications ensures that Governors are able to act swiftly. Punishments range from the removal of privileges to harsher measures such as prosecution and additional prison time.

Justice Secretary David Gauke said:

This new framework gives Governors the tools to set clear behavioural standards for prisoners – enhancing their ability to maintain stability while steering offenders away from a life of crime.

Under the changes being introduced, the new system also:

- Retains the three privilege levels: basic, standard and enhanced, but removes 'entry level', which Governors say is bureaucratic and penalises prisoners who are new – setting up an adversarial relationship with staff from the outset
- Emphasises that staff should consistently use verbal reinforcement for good behaviour and challenge poor behaviour outside formal reviews
- Requires Governors to immediately review prisoner incentives after single serious incidents of bad behaviour with a strong presumption that such incidents lead to downgrade
- Gives Governors the freedom to increase the amount of time out of cell for recreational activities or exercise alongside education and work programmes
- Prisoners that behave well and engage in meaningful activities such as education and employment programmes could receive privileges such as more time in the gym or additional visits
- Establishes local 'incentive forums' – comprised of staff and prisoners – to review the fairness and effectiveness of the policy locally, delivering on recommendation 24 of the Lammy Review
- Will retain sensible limitations on Governors' freedoms, so that, for example, no paid-for TV channels or other inappropriate incentives are permitted.