

The Worker Protection Act

all reasonable steps - explored

From 2026, employers will be required to take “all reasonable steps” as opposed to “reasonable steps” to prevent the sexual harassment of their employees at whilst at work. This is a very demanding requirement as it requires employers to consider every possible option. What could these include?

Concrew Training offer some thoughts below. Please be aware that this guide is produced as a training aid, to prompt thought and improve preventative action; It is not intended to be definitive. It should be considered in conjunction with individual organisational risk assessments and ongoing tribunal outcomes. The latter being especially important as they set precedent.

- **Risk Assess**

review the potential risks employees face. Embedding risk reduction action into policies and procedures. Pay close attention to areas where higher risks may exist for example:

- protected characteristics
- minority groups
- late working, night working, solo working, small group working
- young employees
- volunteers and agency staff
- customer and client facing staff
- onboarding, contracting and procurement teams
- work related social events – especially those involving alcohol
 - Note employee organised events should be included too

- **Develop and publish robust policies and procedures**

- Sexual harassment prevention
- Sexual harassment reporting
- Sexual harassment complaint handling
- Sexual harassment investigation process

- **Check related policies don't hinder reporting**

- Grievance and Complaints policies
- Whistle blowing policy

- **Introduce a safeguarding team**

Subject specialists with easy to access generic contact details – that is to say contact routes that reach all the team not just one person – to ensure speedy responses at all times. Consider:

- Safeguarding phone numbers and direct team contacts
- Email address accessible to all the team safeguarding@
- Confidential web-based forms
- Reciprocal arrangements with local business – especially for small companies

- **Train all employees, including volunteers and agency staff regularly in said policies and procedures.**

Frequency and quality should be risk related. Consider:

- induction
- annually or more frequently for higher risk areas
- after any incident

- **Issue policies to suppliers, guests and visitors**

- Issue in advance and confirm understanding during signing in process

- **Constantly remind employees, volunteers and agency staff, of policies, procedures and safeguarding team contact information.**

- Notices, newsletters, posters
- team briefings
- payslip attachments

- **Train managers, HR and safeguarding teams in immediate response actions**

- induction
- annually or more frequently for higher risk areas
- after any incident

- **Introduce and train on an annual basis, an investigation team**

- Investigation Process
- Disciplinary process
- Interviewing
- Defensible documentation

- **Analyse every incident**

- what went wrong
- what else could be done
- what can you learn
- explore trends and patterns
- Update all appropriate policies to embed wider learning points for the Preventative Duty
- Retrain all staff, including volunteers and agency workers and where appropriate update third parties"

LEGAL ADVICE RECOMMENDED

Concrew Training recommend that legal advice is taken prior to implementation of new, or changes to existing, policies and procedures when they relate to legislation. This includes changes you may make to policies, procedures, process and contracts relating to the Worker Protection Act and the prevention of sexual harassment at work.