

Harassment

In discrimination law (Equality Act 2010) there are 3 types of harassment:

- harassment related to certain 'protected characteristics'
- sexual harassment
- less favourable treatment as a result of harassment

Harassment and [bullying](#) are often confused. Bullying behaviour can be harassment if it meets the definitions on this page.

It's possible that serious harassment could also be a [hate crime](#).

Harassment related to a protected characteristic

This type of harassment is unwanted behaviour related to any of the following protected characteristics:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

To be harassment, the unwanted behaviour must have either:

- violated the person's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for the person

It can be harassment if the behaviour:

- has one of these effects even it was not intended
- intended to have one of these effects even if it did not have that effect

By law, whether someone's behaviour counts as harassment depends on:

- the circumstances of the situation
- how the person receiving the unwanted behaviour views it
- if the person receiving the behaviour is 'reasonable' to view it as they do

If someone makes a harassment claim to an employment tribunal, the judge would consider whether a 'typical' person would see the behaviour as harassment.

What unwanted behaviour is

Unwanted behaviour can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

The person being harassed might feel:

- disrespected
- frightened
- humiliated
- insulted
- intimidated
- threatened

It can still be against the law even if the person being harassed does not ask for it to stop.

Who the law on harassment applies to

The law on harassment related to a protected characteristic applies when someone:

- has a relevant protected characteristic
- is harassed because they are thought to have a certain protected characteristic when they do not
- is harassed because they have a connection with someone with a certain protected characteristic
- witnesses harassment, if what they've seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them

Example of harassment related to sexual orientation

Quinn is gay and has not told people at work. When out with their partner one evening, Quinn runs into someone from work. They tell the rest of the team that Quinn is gay. After this, people in the team start ignoring what Quinn says in daily team meetings. Quinn finds this humiliating and uncomfortable. This behaviour is likely to be harassment on the grounds of sexual orientation.

Example of harassment related to sex

Taylor is an apprentice and is the only man in a team of women. Taylor is expected to make drinks for everyone and do the washing up. Several people make comments that "it's nice to see a man doing the chores for once". This becomes a common joke in the team. Taylor feels disrespected and intimidated. This behaviour is likely to be harassment on the grounds of sex.

More examples of harassment related to a protected characteristic

Find more examples of harassment related to a protected characteristic in our advice on:

- [age discrimination](#)
- [disability discrimination](#)
- [gender reassignment discrimination](#)
- [race discrimination](#)
- [religion or belief discrimination](#)
- [sex discrimination](#)
- [sexual orientation discrimination](#)

Sexual harassment

Sexual harassment is unwanted behaviour of a sexual nature.

This type of harassment does not need to be related to a protected characteristic.

For example, someone who thinks they've been sexually harassed does not need to show it was because of their sex or sexual orientation.

[Find out more about sexual harassment](#)

Less favourable treatment as a result of harassment

This type of harassment is when someone experiences less favourable treatment because of how they responded to previous harassment.

It can apply whether the person rejected or 'submitted to' (accepted) the previous harassment.

Harassment happens when the person is treated less favourably than they would have been if they had not responded to the previous harassment in the way they did.

The previous harassment must have been either:

- sexual harassment
- harassment related to sex
- harassment related to gender reassignment

Example of less favourable treatment because of harassment

Jade receives several sexual advances from their manager, but rejects them. A few weeks later at Jade's yearly performance review, the manager gives them a poor performance score. Jade is regularly praised by others for their hard work. This could be harassment if Jade's poor performance score is because they rejected the manager's advances.

What the law on harassment does not cover

The law on harassment does not cover the protected characteristics of:

- marriage and civil partnership
- pregnancy and maternity

If someone experiences worse treatment because of having one of these protected characteristics, they might have experienced [direct discrimination](#).

If someone who's pregnant or on maternity leave experiences unwanted behaviour, this could be harassment related to sex. An example of this could be offensive comments about pregnant women.

Other kinds of harassment

Under the Protection from Harassment Act 1997 there is a type of harassment which is separate to the 3 types of harassment under the Equality Act 2010.

This is behaviour that causes alarm or distress but is not necessarily related to a protected characteristic. It includes stalking. It can be a criminal act.

If you want to check whether the behaviour you experienced is covered by this law, you should [get legal advice](#).

What you can do

If you think you've been harassed at work, you should raise the issue with your employer. You can raise the problem informally or formally.

Anyone can report a harassment issue they've seen or heard at work, even if it's not directed at them.

If you're an employer, you should take any complaint of harassment very seriously and look into it as soon as possible. You must follow a full and fair procedure.

Find out more about:

- [what to do if you've experienced harassment because of a protected characteristic](#)
- [witnessing discrimination](#)
- [how employers should handle a discrimination or harassment complaint](#)

Get more advice and support

You can contact the:

- [Acas helpline](#)
- [Equality Advisory and Support Service \(EASS\)](#)

You can find more detailed legal guidance on the Equality Act 2010 in the [Employment: Statutory Code of Practice from the Equality and Human Rights Commission](#).

Acas also offers [free e-learning on bullying and harassment](#).