



CPD4dentalnurses

YOUR FUTURE IN YOUR HANDS

Sexual Harassment and Employer Responsibilities: Implementing the Preventative Duty in Dental Practice

Aims:

- To provide an understanding of sexual harassment, its impact and the new preventative duty under UK legislation.
- To equip dental professionals with the knowledge and skills to identify, prevent, and respond to sexual harassment in the workplace.
- To foster a workplace culture of respect and accountability within dental practices, ensuring compliance with legal obligations.

Objectives:

On completion of this verifiable CPD article the participant will be able to demonstrate, through completion of a questionnaire, the ability to:

- Describe the new preventative duty for sexual harassment that came into force on 26th October 2024, which is contained in the Work Protection (Amendment of Equality Act 2010) Act 2023.
- Identify the three types of harassment that are unlawful under the Equality Act.
- Recognise behaviours that constitute sexual harassment in a workplace and patient care setting.
- Identify the impact of sexual harassment on staff and within the dental practice.
- Apply the 8-step framework recommended by the Equality and Human Rights Commission to prevent sexual harassment.
- Demonstrate knowledge of risk assessments to identify scenarios where harassment is more likely to occur in dental practices.
- Encourage respectful communication and professional boundaries between the dental team and patients
- Know how to foster a harassment-free work environment in dental practice.

Introduction

Everyone has a right to feel safe and supported at work.¹ In 2023, an NHS staff survey indicated that 9% of staff experienced sexual harassment in the past year.²

Sexual harassment in the workplace is a serious issue that not only impacts individual employees but also affects organisational culture, team morale, and productivity.

As of 26th October 2024, employers are under a new duty to take “reasonable steps”, to prevent sexual harassment of employees. This new duty is contained in the Work Protection (Amendment of Equality Act 2010) Act 2023.³

The new legislation emphasises proactive prevention rather than a reactive response, anticipating when sexual harassment may occur and taking reasonable steps to prevent it before it happens.

In dentistry, this duty is an opportunity to enhance both employee well-being and patient care by fostering a professional environment free from harassment. Employers must act proactively to ensure compliance with legal obligations while creating a supportive workplace culture. By doing so, they protect their teams, their reputation, and the quality of care provided.

This article provides an understanding of sexual harassment, explores the preventative duty and discusses its implications for dental practice.

What is Harassment?



Harassment in the workplace refers to **unwanted conduct** that creates an intimidating, hostile, degrading, humiliating, or offensive environment. It includes behaviours that undermine an individual's dignity or negatively affect their ability to work.

Harassment is unlawful under the Equality Act 2010. The Act makes three types of harassment unlawful. These are:

- “Harassment related to a ‘relevant protected characteristic’;
- sexual harassment; and
- less favourable treatment of a worker because they submit to or reject, sexual harassment or harassment related to sex or gender reassignment.”

These three types of harassment are described below; however, the preventative duty only applies to sexual harassment.

1) Harassment Related to a Protected Characteristic



The Act states that relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

Unlike other forms of discrimination, pregnancy and maternity and marriage and civil partnership are not protected under the harassment provisions. However, harassing someone because of pregnancy or maternity would be harassment related to sex.”⁴ (a full article on Equality and Diversity and the 9 protected characteristics is available on the website).

2) Sexual Harassment



The Equality Act 2010 defines sexual harassment as “unwanted conduct of a sexual nature that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or of violating the complainant’s dignity.”⁵

Sexual harassment is a specific form of harassment characterised by unwelcome behaviour of a sexual nature. This may be:

Verbal:

- Inappropriate sexual comments.
- Sexual jokes.
- Propositions.
- Intrusive questions about a person’s private sex life or a person discussing their own sex life.
- Making promises in return for sexual favours.
- Spreading sexual rumours about a person.

Non-verbal:

- Leering or suggestive looks.
- Sexual gestures.
- Sharing sexually explicit materials via means such as emails or text messages.
- Sexual posts or contact on social media.

Physical:

- Unwanted touching, hugging, massaging or kissing.

Sexual harassment can affect individuals of any gender or sexual orientation and may be perpetrated by someone of the same or a different gender.

Crucially, sexual harassment is defined by the **impact on the recipient**, not the **intent** of the perpetrator. Even behaviour considered "light-hearted" can constitute harassment if it is unwanted. It may be that the behaviour is obviously unwanted as it would plainly violate a person's dignity. Conversely, there are situations where the behaviour might be generally considered acceptable by many, but the specific worker's reaction clearly indicates that, for them, the conduct was unwanted. ⁴

This "unwanted" nature is a key element in defining sexual harassment, as it highlights that the behaviour is non-consensual and makes the recipient uncomfortable or distressed. Conduct may become harassment if it crosses personal boundaries, even if it was initially accepted. ⁴

3) Less Favourable Treatment for Rejecting or Submitting to Unwanted Conduct

This occurs when a worker is treated less favourably because they have **rejected** or **submitted to** unwanted conduct of a sexual nature or related to sex or gender reassignment.

The unwanted conduct has the purpose or effect of:

- Violating the worker's dignity;
- creating an intimidating, hostile degrading, humiliating or offensive work environment for the worker; and,
- the worker is treated less favourably because they submitted to or rejected the unwanted conduct.

The Impact of Sexual Harassment



Sexual harassment can have severe consequences in any workplace, including a dental practice. Its impacts extend to both individual workers and the overall business operations.

Impact on Workers:

1. **Emotional and Psychological Harm:** Victims may experience stress, anxiety, depression, or loss of self-esteem. This can lead to burnout and affect their ability to focus on tasks.
2. **Decreased Job Satisfaction:** Harassment creates a hostile work environment, making employees feel unsafe or undervalued, which reduces morale and job satisfaction.
3. **Physical Health Issues:** Chronic stress from harassment can contribute to physical ailments, such as headaches, fatigue, or weakened immune systems.
4. **Career Disruption:** Victims may avoid the workplace, take leave, or even resign, disrupting their career progress and financial stability.

Impact on the Dental Practice:

1. **Legal Consequences:** Businesses face potential lawsuits, fines, and penalties if harassment is not addressed, harming the practice's financial standing.
2. **Reputation Damage:** Word of mouth and online reviews can harm the practice's reputation, driving away patients and reducing trust within the community.
3. **Loss of Productivity:** Harassment affects team cohesion and focus. Employees distracted or demoralised by harassment are less productive, which impacts the quality of care provided.
4. **High Turnover Rates:** A toxic work environment increases staff turnover, leading to recruitment costs and training expenses for new team members.
5. **Decreased Patient Satisfaction:** Patients can sense a tense work environment, potentially affecting their trust in the practice and their willingness to return.

[The New Preventative Duty and Employer Responsibilities](#)



From 26th October 2024, employers have a statutory duty to take “reasonable steps”, to prevent sexual harassment of employees. This new duty is contained in the Work Protection (Amendment of Equality Act 2010) Act 2023.³

Under the new duty, employers must anticipate when sexual harassment may occur and take all reasonable steps to prevent it.³

Failure to comply can lead to legal liability, including a potential 25% uplift in compensation awarded by a tribunal if an employer is found to have failed in this duty.³

This duty includes harassment by colleagues, management and third parties (such as patients and suppliers). Employers must demonstrate preventative action through clear policies, staff training, and a culture of zero tolerance.

Key Preventative Measures for Dental Practices

The Equality and Human Rights Commission state that “to comply with the preventative duty, employers must take reasonable steps to prevent sexual harassment of their employees.”⁴

It is acknowledged that what constitutes reasonable, will vary from employer to employer, however the Equality and Human Rights Commission has produced 8 practical steps that could be implemented to help take positive action to prevent and deal with sexual harassment.¹ (The document can be accessed in full in the further reading at the end of this article.) The 8 steps are as follows:

Step 1: Develop an effective anti-harassment policy.

Step 2: Engage your staff.

Step 3: Assess and take steps to reduce risk in your workplace.

Step 4: Reporting.

Step 5: Training.

Step 6: What to do when a harassment complaint is made.

Step 7: Dealing with harassment by third parties.

Step 8: Monitor and evaluate your actions.

Each step is outlined below in the context of dental practice.

1) Develop an Effective Anti-harassment Policy



An effective anti-harassment policy in dental practice should be reviewed at regular intervals, its effectiveness monitored, and changes implemented as required. A good policy should:

- Specify who is protected.
- Clearly define sexual harassment and provide examples relevant to the dental practice.
- Explain the new law for employers to take reasonable steps to prevent sexual harassment.
- Provide examples of unacceptable behaviour, explain that it is unlawful, and emphasise the practice's zero-tolerance stance.
- Explain the consequences for individuals who violate the policy.
- State that aggravating factors, such as abuse of power, will be taken into account when deciding on disciplinary action.
- Outline the rights and responsibilities of employees and management.
- Describe how complaints will be handled and detail the support available to those affected.
- Highlight the steps taken to prevent harassment, such as regular training and awareness initiatives.
- Address third-party harassment (such as by patients or suppliers). ¹

An employer may have separate policies to deal with sexual harassment and other forms of harassment, or a single policy covering both.

2) Engage your Staff



Staff should be involved by fostering open communication and encouraging them to contribute to the development and implementation of measures to prevent sexual harassment. The British Dental Association state that employers “you must clearly communicate to all staff, associates, hygienists, therapists, dental nurses, and the reception team what constitutes sexual harassment, and which behaviours are unacceptable in the workplace.”⁶

Employees should feel their input is valued and that they are active participants in creating a safe and respectful workplace environment. 1 to 1 sessions can be used to understand where potential issues may lie.

The Equality and Human Right Commission state that you should “make sure all workers are aware of:

- How they can report sexual harassment.

- Your sexual harassment policy.
- The consequences of breaching the policy. “¹

3) Assess and Take Steps to Reduce Risk in Your Workplace



If the dental practice undertakes a risk assessment, it will help the practice to comply with the preventative duty.

In dentistry, the employer's duty to prevent sexual harassment could be considered to be particularly relevant due to:

Close Physical Interactions: Dental work often requires professionals to work in close proximity to patients and colleagues, which can create unique vulnerabilities.

Hierarchical Structures: In some dental practices, the hierarchical relationship between clinicians and other team members may lead to power imbalances that increase the risk of harassment.

Patient Interactions: Patients can also be perpetrators of harassment, necessitating clear protocols to protect dental staff.

Other factors that The Equality and Human Right Commission state could be considered are:

- Is there a lack of diversity in the work force?
- Is there job insecurity for a particular group or role?
- Do staff socialise outside of work?
- Do staff engage in crude or disrespectful behaviour at work?
- Are staff expected to attend external events, conferences or training?¹

4) Reporting



A clear, accessible reporting procedure should be in place that allows employees to raise concerns about sexual harassment confidentially and without fear of retaliation. Staff should be made aware of the procedures and feel supported throughout the reporting process. Confidential records should be kept of all the concerns raised- both formal and informal so that trends can be identified.

All staff should know:

- What is considered acceptable behaviour.
- How to recognise sexual harassment.
- What to do if they experience it.¹

The British Dental Association advises that every dental practice should ensure that employees have at least two individuals that they can report sexual harassment to.⁶

5) Training



The dental team should be trained on:

- What sexual harassment in the workplace looks like.
- What to do if they experience or witness it.
- How to handle complaints or harassment.¹

The dental team should be trained to be mindful of what constitutes appropriate behaviour and about maintaining professional boundaries in line with practice policy.

6) What to do When a Harassment Complaint is Made



The Equality and Human Rights Commission state that you should:

- “Act immediately to resolve the complaint, taking into account how the worker wants it to be resolved.
- Respect the confidentiality of all parties.
- Protect the complainant from ongoing harassment or being victimised during an investigation or complaint. For example, move the alleged harasser to another team or site. You should also protect witnesses to the sexual harassment.
- If a worker makes a complaint of harassment that may be a criminal offence, you should speak to the individual about whether they want to report the matter to the police and support them with this if they go ahead.
- Only use confidentiality agreements (also known as confidentiality clauses, non-disclosure agreements, NDAs, or gagging clauses) where it is lawful, necessary and appropriate to do so.”¹

The outcome of the complaint and any appeals process should be outlined to the complainant in a timely manner. ¹

7) Dealing with Harassment by Third Parties

Harassment by a third party- such as by a patient or a supplier, should be treated just as seriously as that of a colleague, Measures should be put in place to prevent this type of harassment. This will include establishing reporting mechanisms and assessing situations where staff may be left alone with patients, suppliers or other members of the public.¹

8) Monitor and Evaluate your Actions



There should be regular reviews to assess the effectiveness of the measures put in place to prevent sexual harassment in the dental practice and any changes required should be identified and implemented.

In addition, the following are examples of how to evaluate the measures that have been taken:

- Identifying trends by reviewing both formal and informal complaints.
- Conducting an anonymous staff survey on whether they have witnessed or been subjected to sexual harassment and if it was reported.
- Ensure that the survey and the number of complaints received are equal to ensure an accurate reflection of sexual harassment in the practice.

After complaints of sexual harassment are resolved, hold reflective sessions, identifying where changes can be made. It is important to review policies, procedures and training regularly.¹

Fictional Case: Sexual Harassment in a Dental Surgery

Background

Miss Anna Patel was a 32-year-old nurse employed at Bright Smiles Dental Surgery. She filed a complaint against her colleague, Dr. Mark Collins, alleging repeated sexual harassment over a 12-month period. The harassment included inappropriate comments about her appearance, unwanted touching, and unwelcome invitations to social events outside of work. Despite reporting these incidents to the practice manager, the issues persisted.

Miss Patel eventually escalated the matter to an employment tribunal after resigning, citing constructive dismissal and emotional distress.

The Tribunal

During the tribunal hearing, the following evidence was presented:

1. Witness Testimonies: Two dental nurses testified, corroborating Miss Patel's account of the inappropriate comments.
2. Emails and Text Messages: Evidence showed that Dr. Collins sent suggestive messages, including one stating, "Your smile isn't the only thing bright about you."
3. CCTV Footage: A recording revealed Dr. Collins making an inappropriate joke about Miss Patel during a team meeting.

Dr. Collins denied the allegations, claiming his actions were misinterpreted and were meant as "friendly banter."

Tribunal Findings

The tribunal ruled in favour of Miss Patel, concluding that:

The behaviour constituted sexual harassment under the Equality Act 2010.

The practice manager and the dental practice failed to take reasonable steps to address the complaints, creating a hostile work environment.

Miss Patel's resignation qualified as constructive dismissal.

Outcome

Miss Patel was awarded:

1. Compensation:

£16,000 for injury to feelings (mid-range under the Vento bands).

£20,000 for financial loss due to constructive dismissal.

A 25% uplift for the employer's failure to follow proper grievance procedures, increasing the total award to £45,000.

2. Legal Costs: The clinic was ordered to pay her legal expenses.

Lessons Learned

The case highlighted several areas for improvement:

1. **Clear Policies and Training:** Employers should implement robust anti-harassment policies and regularly train staff to recognise and prevent harassment.

2. **Prompt and Effective Response:** Employers must take complaints seriously, conduct thorough investigations, and act promptly to resolve issues.

3. **Culture of Respect:** Dental surgeries, like all workplaces, should foster an inclusive environment where employees feel safe reporting misconduct.

4. **Documentation:** Employers should keep detailed records of complaints and their responses to demonstrate compliance with legal obligations.

The Bright Smiles Dental Surgery introduced mandatory training on workplace harassment, appointed an external HR consultant to handle future grievances, and implemented an anonymous reporting system for staff concerns.

Conclusion

The introduction of a preventative duty on sexual harassment represents a significant step toward safer and more respectful workplaces. For dentistry, this duty is an opportunity to enhance both employee well-being and patient care by fostering a professional environment free from harassment. Employers in dentistry must act proactively, ensuring compliance with legal obligations while creating a supportive workplace culture. By doing so, they protect not only their teams but also their reputation and the quality of care they provide.

Personal Development Plan and Reflective Learning

This CPD is linked to the following GDC Enhanced CPD Development Outcomes:

- A. Effective communication with patients, the dental team and others across dentistry, including when obtaining consent, dealing with complaints, and raising concerns when patients are at risk.**
- B. Effective management of self and effective management of others or effective work with others in the dental team, in the interests of patients; providing constructive leadership where appropriate.**
- C. Maintenance and development of knowledge and skill within your field of practice.**
- D. Maintenance of skills, behaviours and attitudes which maintain patient confidence in you and the dental profession and put patients' interests first.**

Reflective learning is a requirement of the GDC Enhanced Professional Development Scheme. As such, you will be given the option to answer some reflective learning questions, before your certificate is generated. Please remember you can complete or update this at any time.

Further Reading

[Equality and Human Rights Commission \(2024\) Employer 8-step guide- Preventing sexual harassment at work](#)

[Equality and Human Rights Commission \(2020, updated 2024\) Sexual harassment and harassment at work: technical guidance.](#)

References

1. Equality and Human Rights Commission (2024) Employer 8-step guide- Preventing sexual harassment at work. Available at: https://www.equalityhumanrights.com/employer-8-step-guide-preventing-sexual-harassment-work?utm_source=email&utm_medium=email&utm_campaign=New+guidance%3a+preventing+sexual+harassment+at+work (accessed 09/11/2025)
2. British Medical Journal (2024) Nearly 1 in 10 NHS staff in England report sexual harassment at work last year, staff survey finds. Available at: <https://www.bmj.com/content/384/bmj.q590>. (accessed 09/11/2025)
3. Office for Equality and Opportunity (2024) New protections from sexual harassment come into force. Available at: <https://www.gov.uk/government/news/new-protections-from-sexual-harassment-come-into-force#:~:text=Employers%20now%20have%20a%20legal,create%20a%20safe%20working%20environment.&text=New%20duty%20under%20the%20Equality,sexual%20harassment%20of%20their%20employees> (accessed 09/11/2025)
4. Equality and Human Rights Commission (2020, updated 2024) Sexual harassment and harassment at work: technical guidance. Available at:

<https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance> (accessed 09/11/2025)

5. Equality Act 2010 (2010) Available at:
<https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/2/2/14> (accessed 09/11/2025)
6. British Dental Association (2024) Is your dental practice ready? Complying with the new sexual harassment prevention laws. Available at: <https://www.bda.org/news-and-opinion/blog/is-your-dental-practice-ready-complying-with-the-new-sexual-harassment-prevention-laws/> (accessed 09/11/2025)