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STATUTORY INSTRUMENTS

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**2005 No. 2467**

**The Employment Equality (Sex  
Discrimination) Regulations 2005**

**Harassment and Sexual Harassment**

5. In the 1975 Act, after section 4 (discrimination by way of victimisation), insert—

**“Harassment, including sexual harassment**

**4A.—**(1) For the purposes of this Act, a person subjects a woman to harassment if—

- (a) on the ground of her sex, he engages in unwanted conduct that has the purpose or effect—
  - (i) of violating her dignity, or
  - (ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for her,
- (b) he engages in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect—
  - (i) of violating her dignity, or
  - (ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for her, or
- (c) on the ground of her rejection of or submission to unwanted conduct of a kind mentioned in paragraph (a) or (b), he treats her less favourably than he would treat her had she not rejected, or submitted to, the conduct.

(2) Conduct shall be regarded as having the effect mentioned in sub-paragraph (i) or (ii) of subsection (1)(a) or (b) only if, having regard to all the circumstances, including in particular the perception of the woman, it should reasonably be considered as having that effect.

(3) For the purposes of this Act, a person (“A”) subjects another person (“B”) to harassment if—

- (a) A, on the ground that B intends to undergo, is undergoing or has undergone gender reassignment, engages in unwanted conduct that has the purpose or effect—
  - (i) of violating B’s dignity, or
  - (ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for B, or
- (b) A, on the ground of B’s rejection of or submission to unwanted conduct of a kind mentioned in paragraph (a), treats B less favourably than A would treat B had B not rejected, or submitted to, the conduct.

(4) Conduct shall be regarded as having the effect mentioned in sub-paragraph (i) or (ii) of subsection (3)(a) only if, having regard to all the circumstances, including in particular the perception of B, it should reasonably be considered as having that effect.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(5) Subsection (1) is to be read as applying equally to the harassment of men, and for that purpose shall have effect with such modifications as are requisite.

(6) For the purposes of subsections (1) and (3), a provision of Part 2 or 3 framed with reference to harassment of women shall be treated as applying equally to the harassment of men, and for that purpose will have effect with such modifications as are requisite.”.