



Statutory definitions of harassment

There are three definitions of harassment contained in section 26 of the Equality Act 2010. The first is the general definition, which applies to most of the protected characteristics and mirrors that found in the previous discrimination legislation. The others concern "conduct of a sexual nature", which were previously found in the Sex Discrimination Act 1975.

The three definitions are set out below.

General definition

A person (A) harasses another (B) if A engages in unwanted conduct related to a relevant protected characteristic which has the purpose or effect of either:

- Violating B's dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(Section 26(1).)

In deciding whether conduct shall be regarded as having the **effect** referred to above, the following must be taken into account:

- The perception of B.
- The other circumstances of the case.
- Whether it is reasonable for the conduct to have that effect.

(Section 26(4).)

The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation (section 26(5)).

Conduct of a sexual nature

A also harasses B if A engages in unwanted conduct of a sexual nature, and the conduct has the purpose or effect referred to in the general definition (section 26(2)). This is usually referred to as "sexual harassment".

Rejection of or submission to conduct of a sexual nature

A also harasses B if:

- A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex.
- The conduct has the purpose or effect referred to in the general definition.
- Because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.