



APPENDIX TWO

Harassment

Harassment is defined in section 26(1) of the Equality Act 2010. Harassment occurs where a person engages in unwanted conduct related to a Protected Characteristic (outlined in the Equality Act 2010), which has the purpose of either:

- Violating the other person's dignity; or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment for the other person.

In determining whether conduct amounts to harassment, regard is had to:

- The perception of the victim;
- Whether it is reasonable for the conduct to have the perceived effect; and
- The wider circumstances of the matter.

Sexual Harassment

Sexual harassment occurs where a person engages in unwanted conduct of a sexual nature, and the conduct has the purpose or effects outlined above.

One Off Incidents

A single, isolated, or one-off incident can still amount to harassment. The key consideration is the purpose or effect of the conduct.

Protection from Harassment Act 1997

Harassment can still occur even if it not based on a Protected Characteristic. The Protection from Harassment Act 1997 made it a civil, and sometimes a criminal, offence to carry out a course of conduct that amounts to harassment.

Examples

In a golfing context, some examples of unlawful harassment might include:

- Employees making unwanted or inappropriate contact with colleagues at a golf club or facility;
- Targeting disabled golfers using buggies and demanding to see proof of a disability when this is not required by the terms of the competition. Further guidance can be found in the England Golf guidance "Creating an Equitable Buggy Policy" and associated resources.
- Disproportionate and public criticism or sanctioning of an individual's behaviour by an organisation for irrelevant or personal reasons.