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News

# Police urge victims of workplace sex harassment to come forward despite Non Disclosure Agreements

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Police are urging victims to come forward CREDIT: NURPHOTO

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By **Charles Hymas**, HOME AFFAIRS EDITOR  
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Police on Wednesday urged people who believed they were victims of sexual assault to come forward, as officers insisted non-disclosure agreements would not protect alleged perpetrators from prosecution.

Officers spoke in the wake of The Telegraph's disclosure that a British businessman had gagged staff with NDAs.

Police chiefs said officers would investigate complaints of sexual harassment irrespective of whether the women had been silenced by gagging clauses in their settlements with the businessman over the allegations.

They urged women to come forward.

"If sexual harassment has occurred, it should be reported to police," said deputy chief constable Paul Mills, National Police Chiefs' Council lead for stalking and harassment.

"Support is available to victims to make the decisions to come forward and report crimes and police will investigate all reports thoroughly and impartially."

The businessman was granted an injunction this week against The Telegraph to prevent it revealing the alleged sexual harassment and racial abuse of staff.



There has been controversy over non-disclosure agreements that gag victims of sex harassment CREDIT: JUNG YEON-JE/JUNG YEON-JE / AFP

Like film producer Harvey Weinstein, he used controversial Non-Disclosure Agreements (NDAs) to silence and pay off his alleged victims with "substantial sums."

"If someone calls 999, we are not going to ask if victims of sexual harassment have an NDA. If you are a victim of it, you should report it and it will be investigated thoroughly, properly and seriously," said a police source.

Lawyers said criminal proceedings would override any civil gagging clause - and the sexual harassment that could be prosecuted could range from touching to lewd comments or physically intimidating someone in the workplace without contact or speaking.

Peter Daly, employment and discrimination lawyer at Bindmans, said: "Criminal proceedings are separate to those civil proceedings, and they may carry on or commence regardless of the civil proceedings and any settlement reached in them.

"The individual may then give evidence to the police if they want to, and a prosecution may go ahead. The NDA would have no bearing on this."

Hina Belitz, an employment law expert at Excello Law, said workplace sexual harassment did not have to be severe or physical to merit criminal proceedings but could range from a person using their physical presence to intimidate someone to verbal harassment.

In practice, however, workplace sex harassment cases tended to be settled within companies rather than leading to further criminal proceedings. "In my experience in employment law, it never progresses to criminal proceedings," said Ms Belitz.

"That will probably change with the MeToo campaign now it has filtered down and created a new normal. Harassment is very much in the eyes of the recipient. It's very much a case of how they feel it could be."

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