BRIEFING FOR UNITE REPS

ZERO TOLERANCE ON THIRD PARTY HARASSMENT

The law has changed, workplaces need negotiated policies.

From 30 October 2026, employers in England, Scotland and Wales will have a new legal duty not to permit third parties to harass their employees. This protection is introduced by the Employment Rights Act 2025, which amends the Equality Act 2010.

An employer can now be liable if an employee is harassed by a third party in the course of their work and the employer fails to take all reasonable steps to prevent it.

Importantly, this new protection is not limited to sexual harassment. It applies to all forms of unlawful harassment under the Equality Act 2010 that relate to a protected characteristic.

Third parties include:

- Customers • Clients
- Patients • Service users
- Contractors • Suppliers
- Visitors • Members of the public
- Anyone who is not the employer or another employee

Harassment covered by the legislation includes conduct related to:

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

It also covers:

- Sexual harassment (unwanted conduct of a sexual nature)

Examples of third-party harassment

- A customer racially abuses a shop worker.
- A patient repeatedly makes sexist or sexually explicit comments to a nurse.
- A client mocks an employee because of their disability.
- A contractor makes homophobic remarks to a worker on site.
- A member of the public subjects a bus driver to religious abuse.
- A service user repeatedly misgenders a trans employee.

Employers must act

f your employer knows, or should have anticipated the risk and failed to take reasonable steps to prevent the harassment, they may be liable. A single incident may be sufficient to give rise to liability.

What should employers be doing?

Unite reps should be speaking to their employers now and encouraging them to:

- Review and update anti-harassment and dignity at work policies.
- Include specific provisions on third-party harassment.
- Carry out workplace risk assessments.
- Train managers and staff on recognising and responding to harassment.
- Establish clear reporting and investigation procedures.
- Display zero-tolerance notices to customers, clients and visitors.
- Include behavioural expectations in contracts with clients, contractors and suppliers where appropriate.
- Support workers who report harassment and take action against offending third parties where possible.

UNITE REPS, ACT NOW

Unite reps should be demanding employers start negotiations on a policy preventing third-party harassment. Contact Equality@unitetheunion.org for more information or to share your experiences.

unite the UNION

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