

Private Office

Acas National, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ
Tel: 020-7210 3670 Fax: 0207 210 3691 Email: esweeney@acas.org.uk

**Ed Sweeney
Chair**

Elizabeth Solowo-Coker
Third Party Harassment Consultation Responses
Government Equalities Office
Equality Law and Better Regulation Unit
Home Office
3rd Floor, Fry – North East Quarter
2 Marsham Street
LONDON
SW1P 4DF

31 July 2012

Dear Ms Solowo-Coker

Acas Council Response to the Equality Act 2010 Consultation: Employer Liability for Harassment of Employees by a Third Party

The Acas Council welcomes the opportunity to respond to the consultation on the Red Tape Challenge proposals to the Equality Act 2010.

Acas aims to improve organisations and working life through better employment relations.

We promote good practice in the workplace through easily accessible advice and support services. Our experienced national and regional advisers help organisations to improve their employment practices, as well as solve problems when things go wrong. Our authoritative and impartial advice is available free to individuals and employers via our website and telephone helpline.

We offer an independent and trusted service for dealing with disputes (collective conciliation) between groups of workers and their employers (collective disputes). We also deal with disputes where individuals claim their employer has denied them a legal right.

We provide authoritative advice and guidance on employment and work policies to the Government and social partners (trade unions and employers or their representative organisations).

Although we have limited our response to where we consider our expertise could help inform the consultation proposal, we think it important that policy makers reflect in their consideration of the responses, our view that one employer's red tape might be another's "business certainty" and as such, deregulation ought to be carefully weighed before moving forward.

Repealing Third Part Harassment

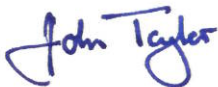
Harassment of employees by any person damages the workplace and makes it less effective. Overall harassment in the workplace in 2008 is estimated by the HSE to cost some 80 million days in lost production at a cost of £2billion in revenue. BIS research in the 2008 Fair Treatment at Work Report indicates that 7% of all employees have recent experience of harassment at work

If this provision was removed from the Equality Act, despite the other areas of legal protection from harassment in the workplace, there is a potential for misunderstanding around the responsibilities of employers and employees in terms of responding to, and resolving these issues. Our view is that the government would need to consider appropriate guidance to prevent raising confusion in the minds of employers regarding how they comply with the law. Equally consideration should be given to informing employees through guidance on practical steps they can take to stop or prevent this unwanted behaviour. Acas already produces non statutory guidance for both employers and employees on bullying and harassment and, along with our Code of practice on discipline and grievances. We have the ability to support organisations through mediation and other forms of dispute resolution and would be able to provide a potential non legislative alternative should this provision be removed from the Equality Act.

Our Advisory publications, such as our guidance on bullying and harassment are trusted by 95% of employers questioned and 66% use them as their main source of employment relations advice, (according to Acas research in 2010).

Finally we hope these comments will be of value, however if you would like to discuss any aspect of this response do not hesitate to contact Steve Williams our Head of Equality at swilliams@acas.org.uk

Yours sincerely



PP Ed Sweeney