



Equality Act 2010: consultation on employer liability for harassment of employers by third parties.

A submission from the Association of Colleges
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Introduction

The Association of Colleges (AoC) exists to represent and promote the interests of Colleges and provide members with professional support services. AoC was established in 1996 by Colleges themselves to provide a voice at national and regional levels for further education and higher education delivered in Colleges. 95% of Colleges are in our membership, including general and tertiary Further Education Colleges, Sixth Form Colleges and specialist Colleges in England, Wales and Northern Ireland. Colleges employ 245,000 people, 128,000 of whom are teachers and lecturers and staff costs (excluding restructuring) total £5 billion, accounting for 65% of total College spending. In some towns in England, Colleges are one of the major local employers after the NHS and/or local authority.

The AoC employment team provides advice, policy guidance and representation to members in areas of employment law, industrial relations and HR practice. This includes supporting Colleges with advice regarding compliance with the Equality Act 2010 as well as supporting the sectors commitment to equality and diversity.

AoC has reviewed feedback received from member Colleges with regards to the consultation on employer liability for harassment of employers by third parties. Below is a summary of the key issues highlighted and areas of concern.

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Consultation response

Has an employee ever made a claim against you because they said they had experienced conduct which would count as third party harassment at work?

AoC are not aware of significant complaints of this nature being made in Colleges by staff. Through engagement with member Colleges, AoC are aware that Colleges have robust policies and procedures in place for promoting equality and diversity in the workplace, and for employees to raise grievances if they feel they have been unfairly treated in the course of their employment. Colleges take their duty of care towards staff very seriously and would respond to any such complaints through their HR procedures.

Do you agree or disagree that the third party harassment provision should be repealed?

On receipt of feedback from Colleges we feel the third part harassment provisions should be repealed. It was considered by one College as an unworkable requirement for businesses to take steps to prevent persistent harassment of their staff by third parties since as they have no direct control over the third parties. This is supplemented with the view that employers cannot be held liable for acts that are beyond their control.

In line with the Public Sector Equality Duty, Colleges are committed to having due regard to eliminate unlawful discrimination and as such will continue to develop policies and procedures which reflect this commitment.