



Equality Act 2010

**Employer liability for harassment of employees by
third parties**

**UNITE – the Union
Response**

July 2012

Employer liability for harassment of employees by third parties

Unite the Union Response

Unite¹ is strongly opposed to removing section 40(2)-(4) of the Equality Act 2010. The harassment of people at work by a third party such as customers, clients and contractors can be deeply distressing, harmful and dangerous. Unite is of the view that all parties should welcome such provision to ensure that it is both unlawful and can be addressed.

Our aim in all matters of harassment and discrimination is that prevention should be our goal, and these measures assist in this process, ensuring employers take positive steps to provide a safe environment for their employees as well as their customers or clients.

We would also take this opportunity to make a further point. Unite welcomed the inclusion of protection from third party harassment in the Equality Act 2010 as well as its extension to all areas of equalities. However, we were and still are extremely concerned and opposed to the 'three strikes' element of this provision. Unite will continue to raise with government the issue of the removal of this element since harassment is harassment whether is the first time or the second or the third time.

We believe the government should take this opportunity to provide better protection for employees by removing the 'three strikes' element instead of providing them with no defence or protection from harassment by third parties.

¹ This response is submitted by Unite the union, Britain and Ireland's largest and most industrially diverse trade union with 1.5 million women and men members across the private, public and not for profit sectors. The union's members work in a range of industries including food, manufacturing, transport, financial services, health, print, transport, local government, community sectors and construction and we have extensive experience of representing men and women workers in a wide range of occupations who are faced with discrimination on all grounds.