

ZERO TOLERANCE TO SEXUAL HARASSMENT AT WORK

**UNDERSTANDING THE NEW PREVENTATIVE
LEGISLATION AND THIRD PARTY HARASSMENT**



UNITE: FIGHTING FOR JOBS ■ PAY ■ CONDITIONS

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WHAT IS THIRD-PARTY HARASSMENT?

Third-party harassment occurs when an employee experiences harassment from someone not employed by their organisation, such as customers, clients, contractors, or service users. This type of harassment can include unwelcome behaviours, discriminatory comments, inappropriate gestures, or threats. Regardless of who commits the harassment, it creates an unsafe, hostile work environment that impacts employee well-being and productivity and importantly....it's not acceptable!

SADLY, IT IS HAPPENING TO WORKERS TODAY

Unite represents members across many sectors who regularly work or come into contact with third parties whilst at work and unfortunately, they tell us that they have suffered from this kind of harassment. From retail, hospitality, health and road & passenger transport our members shared some of their recent experiences

ONE MEMBER IN HOSPITALITY SAID:

We had a regular who was exhibiting forceful and obsessive behaviour about one of our staff, and she was told to avoid him. Unfortunately, he would seek her out in the workplace, and he ended up trying to grab the young woman behind the bar one evening. There were multiple warning signs before we got to this stage, if he had been told about his behaviour sooner asked to leave and not return, the harmful escalation would not have occurred.

ANOTHER IN RETAIL REPORTED:

One of my members was deliberately touched inappropriately by a customer whilst stacking the shelves. She shouted and confronted the man to prevent this continuing only to find out he complained to the store manager and received discount of his shopping"

A UNION REPRESENTATIVE IN TRANSPORT SAID:

I've heard lots of stories of things being swept under the carpet. It's now become such a hot topic that our Employee Forum has asked for specific meetings to be set up with the management to discuss this harrowing subject.

ACCORDING TO THE 2024 NHS STAFF SURVEY, 8.67 PER CENT OF NHS STAFF SAID THEY HAD EXPERIENCED UNWANTED SEXUAL BEHAVIOUR FROM PATIENTS, SERVICE USERS, OR OTHER MEMBERS OF THE PUBLIC.

WHAT CAN WE DO TO PREVENT THIS HAPPENING?

Unite has a long tradition of campaigning for dignity at work, promoting workplaces free of harassment and ensuring equality is pursued as an industrial issue forming part of your terms & conditions of employment. Collective agreements negotiated by union representatives are the best methods to prevent any form of discrimination and harassment taking place, but we recognise that not all of our members are covered by a recognition agreement, so lobbying on legislation around this is also very important. Unite, alongside sister organisations, worked extensively to ensure this new law focusing on preventing sexual harassment was introduced, whilst acknowledging it doesn't go far enough. We will continue to fight for greater protections. The Labour Government has committed to increasing obligations on employers to prevent any worker from suffering sexual harassment.

SO, WHILST NOT PERFECT, WHAT DOES THE NEW LEGISLATION SAY?

In October 2024, legislation was passed to address third-party harassment, aiming to protect employees from sexual harassment at work. These changes reinforce employers' obligations to ensure a safe and respectful workplace, even when the harassing individual is not under their direct control. Key elements of this new legislation include:

Expanded Employer Responsibility: Employers must now take proactive steps to prevent third-party harassment. This includes implementing strong policies, monitoring for potential harassment, and responding swiftly to any incidents. It will NOT be sufficient to purely look at existing policies as employers should be carrying out risk assessments.

Clear Reporting Mechanisms: Employers must establish easy-to-access reporting channels for employees to report third-party harassment without fear of retaliation.

Training and Awareness: Companies are required to provide regular training on third-party harassment to both staff and management, ensuring everyone understands what constitutes harassment and how to address it.

Obligation to Investigate: Employers are mandated to investigate all claims of third-party harassment thoroughly, taking appropriate disciplinary or preventive actions based on the findings.

Communicating the consequences of any third-party harassment: clearly explaining what action can be taken following complaints of sexual harassment by a third party could also aid prevention. Employers should consider signs/communication displaying zero tolerance messages and a clear policy regarding terminating attendance/ contracts on third parties who perpetrate sexual harassment .

JOIN TODAY



Remember, a safe workplace is everyone's right

Ask your employer what they are doing to comply with this new legislation. Speak to your union representative and if you aren't yet a member of Unite, now is the time to join!

<https://www.unitetheunion.org/what-we-do/equalities/sectors/women>



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