

# NEWSLETTER

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## The Harassment Edition



### Welcome from Jane



With the new duty on employers to prevent sexual harassment at work coming into force in October, now is the time to make sure your business is prepared. Employers will need to take reasonable steps to prevent harassment and demonstrate that they are taking their responsibilities seriously. In this edition, we look at what the new duty means in practice and the steps you can take to reduce risk and protect your employees.

In this edition, we focus on what employers need to know about preventing harassment and meeting their responsibilities in the workplace.

Inside this issue you'll find:

- Preventing sexual harassment at work
- What does "all reasonable steps" actually mean?
- Sexual harassment training and reviews
- Can an employer be liable for harassment by a customer?
- A quick checklist for the October harassment duty

Whether you're reviewing your harassment policies, providing training for managers and employees, or checking that your business is taking sufficient preventative action, these articles will help you understand your responsibilities, reduce legal risk and create a safer, more respectful workplace.

# Since October 2024, you've had a legal duty to take "reasonable steps" to prevent sexual harassment at work.

From October 2026, that duty gets tougher. And a second, separate duty comes in alongside it.

Understanding both, and what they require in practice, is what this guide is for.



## What's changing in the law

The October 2026 changes raise the bar in two distinct ways.

The first change is an upgrade to the existing sexual harassment duty.

The threshold moves from "reasonable steps" to "all reasonable steps". That single word makes a real difference. If a tribunal challenge lands, you'll need to show that there were genuinely no further steps you could reasonably have taken.

Detailed regulations setting out exactly what this requires are expected in 2027, but the EHRC's existing guidance is the working benchmark in the meantime.

The second change is a brand new, separate duty: direct liability for third-party harassment.

From October 2026, if a client, customer, contractor or member of the public harasses one of your employees on any protected ground and you haven't taken all reasonable steps to prevent it, you could face a tribunal claim. Even a single incident can be enough.

This applies across all protected characteristics. Race, disability, religion, age, all of it is in scope when third parties are involved, not just sexual harassment.

The Equality and Human Rights Commission has had the power to investigate employers and take enforcement action since October 2024. Those powers haven't changed, but the standard employers are being held to is rising, which means that enforcement activity is unlikely to ease.

And tribunals can increase compensation by up to 25% where a successful sexual harassment claim is brought and the employer is found to have failed the preventative duty. Discrimination compensation has no cap. There is no upper limit on what a tribunal can award.





## What "all reasonable steps" actually means

The phrase "all reasonable steps" sounds vague and this lack of clarity is causing anxiety for small business owners.

In practice, it comes down to six things. If you can evidence all six, you're in a strong position. If you can't, you've got gaps.

### Step 1: Is your harassment policy up to date?

Your policy needs to specifically reference the strengthened duty and cover harassment by third parties across all protected characteristics. A general dignity at work policy that hasn't been reviewed recently won't cut it.

Check that it clearly defines what harassment looks like, including examples relevant to your workplace. If your team works with the public or visits client sites, the policy should reflect that.

### Step 2: Have your staff actually read it?

Having a policy is one thing. Being able to prove that your team has seen it is another.

You need a record of every employee acknowledging that they've read and understood the policy. A signature, a tick on your HR system, an email confirmation. Something you can produce quickly if you're ever asked.

We often see businesses with perfectly good policies that nobody has read. That's just as bad as not having one, even if you had the right intentions.

### Step 3: Have your managers been trained?

Managers are your first line of defence. They're the ones who will see early signs, hear informal complaints and set the tone for what's acceptable.

But many managers in small businesses have never had any formal training on recognising or responding to harassment. They might brush things off, handle a complaint badly or simply not know what to do. Under the "all reasonable steps" standard, generic training delivered once and never refreshed is unlikely to be enough. It should be role-specific and updated regularly. At minimum, it should cover what harassment looks like, how to respond when someone reports it and what to escalate.

### Step 4: Is there a clear reporting process?

Your employees need to know how to report harassment, who to report it to and what happens when they do. If the answer to "how would someone raise a concern?" is "they'd probably just come and tell me" that's a problem. You need a documented process. It should be written down somewhere your team can access it and it should cover what happens if the complaint involves a manager or the business owner themselves.

### Step 5: Have you done a risk assessment?

Some roles carry higher harassment risk than others. Anyone working alone, on client premises, with the public or in care settings is more exposed. A written risk assessment shows that you've thought about where your people are most vulnerable and what you've done to reduce that risk. It doesn't need to be complicated. It just needs to exist and make sense for your business. This is especially important for the third-party harassment duty. If your employees regularly interact with customers or visit external sites, your risk assessment should specifically cover those situations and what steps you've taken to manage the risk.

### Step 6: Could you pull all of this together quickly?

If the EHRC came knocking tomorrow or a tribunal asked for your evidence, could you produce it? The policy, the acknowledgement records, the training logs, the reporting process, the risk assessment. All of it. If the answer is "I'd need a few days to dig through emails and folders" then that's a sign that your evidence isn't where it needs to be.





## One in five businesses not offering sexual harassment training (and what they mean)

**From October 2026, two separate legal duties around workplace harassment are changing under the Employment Rights Act 2025.**

The first: the duty to prevent sexual harassment is being upgraded.

The current standard, taking "reasonable steps", is being replaced with "all reasonable steps". This means that a policy alone won't cut it anymore. You need to show that you've done everything you reasonably could to prevent harassment and that evidence has to be there before anything goes wrong.

The second: third-party harassment is becoming a standalone legal liability.

If a client harasses one of your employees at a meeting, or a contractor makes a comment at a work event, you can be held responsible if you can't demonstrate that you took all reasonable steps to prevent it. This applies to harassment connected to any protected characteristic, not just sexual harassment.

A poll of 985 HR professionals in July 2026 by compliance eLearning provider VinciWorks revealed that a fifth of UK businesses haven't given managers sufficient training on the new rules.

If you haven't started preparing yet, now is the time. What does being compliant with both duties look like?

- 1 Your harassment policy is up to date and specifically covers third-party harassment
- 2 You can prove your team has read and acknowledged it
- 3 Your managers have had proper training on recognising and handling harassment
- 4 There's a documented reporting process that your employees know how to use
- 5 You've done a written risk assessment for higher-risk roles or environments
- 6 You could pull all of that evidence together quickly if asked

If you have gaps, you're not alone, but they need fixing before October.

Reach out if you'd like to find out more about our harassment reviews.

# A customer harassed your employee. Are you liable?

In October 2026, two separate legal duties around harassment will change.

First, the standard for sexual harassment will upgrade from reasonable steps to "all" reasonable steps. This means that, if an employee of yours goes to tribunal over a sexual harassment claim, you need to be able to demonstrate that there were no further steps you could have reasonably taken to prevent the harassment from happening.

The second duty is new and will hold employers directly liable for third-party harassment. This new third-party harassment duty is the focus of this article.

## What is the new third-party harassment duty all about?

Once the new duty is in force, as an employer you will have a defined obligation to take "all reasonable steps" to prevent your employees from being harassed by customers, clients, contractors and members of the public.

This will apply across all relevant protected characteristics:

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

If an incident happens and you can't evidence what you did to stop it, a tribunal can find you liable.

## What "all reasonable steps" actually means

You can never control how a customer behaves, but you have full control over your own policies and how you respond when something happens.

For third-party risk specifically, that means:

- A policy that names third-party harassment directly, not just harassment between colleagues
- Briefing client-facing staff on their right to report an incident and what happens next
- An escalation route built for incidents involving a customer or client, separate from your internal grievance process
- A willingness to act against the customer or client themselves, including ending the relationship where it's warranted
- If harassment happens, you need a record of what took place and what you did about it

Skip any of this and you're relying on luck rather than evidence.

## What your harassment policy should include

A policy clause covering third-party harassment needs to do a few specific things:

### 1. State who it covers.

Most policies default to colleague-to-colleague behaviour. The clause needs to explicitly list who counts as a third party: customers, clients, suppliers, contractors and members of the public.

If it just says "harassment", a tribunal can't tell whether the employer ever turned their mind to this risk.

### 2. Confirm it's treated the same way.

The policy should say that harassment from a third party is treated with the same seriousness as harassment from a colleague or manager, not as a lesser "customer service issue".

### 3. Give a reporting route that fits the situation.

Internal grievance processes assume that the perpetrator is another employee.

A third-party incident needs its own route, usually reporting to a line manager or duty manager in the moment, not waiting for a formal grievance meeting days later.

### 4. Commit to action against the third party, not just the employee.

Most policies miss this bit entirely.

It should state that the business will take appropriate action, which can include warning a client, refusing service, ending a contract with a supplier or contractor or barring a customer.

### 5. Remove the expectation that staff tolerate it for the relationship.

Explicitly state that employees aren't expected to "smooth things over" or keep serving someone who's harassed them for the sake of keeping the customer or client happy.

An actual clause might read something like:

"This policy applies to harassment by anyone an employee comes into contact with through their work, including customers, clients, suppliers, contractors and members of the public. Reports of harassment by a third party will be investigated and treated with the same seriousness as harassment involving a colleague. Action may include speaking to the individual involved, withdrawing service or ending a contract or relationship where necessary."

## What else to check before October

Beyond going through your harassment policy, check that your team actually know how to report an incident involving a customer and who they'd tell.

If anything has already happened, write down what occurred and how you handled it, even if it feels resolved. If something has already happened and you're not sure whether your response holds up, get advice before the new duty takes effect, not after. Also check that you have a written risk assessment that covers third-party contact situations specific to your business.

## Get this right before the deadline

As independent HR consultants, we can review your harassment policy and put a simple, practical process in place for managing third-party incidents.

If a customer or client has already caused a problem for one of your staff or you want to be covered before the deadline, get in touch now.

# Employer Checklist:

## The October 2026 Harassment Duty



### Step 1: An up-to-date harassment policy

That accurately reflects the duty changes coming into effect from October 2026.



### Step 2: Signed staff acknowledgements

Every employee has read the policy and you have a written record to prove it.



### Step 3: Manager training with attendance records

Managers trained to recognise and handle harassment, with a log of who attended and when.



### Step 4: A documented reporting process

Employees know exactly how to raise a concern and where to go.



### Step 5: Written risk assessments for higher-risk roles

Roles or environments with greater exposure have been assessed and actions recorded



### Step 6: Everything stored in one place

All of the above is filed together and ready to produce if challenged.

## How many can you tick?

We carry out harassment prevention reviews. Get in touch and we can help you to get everything in place before October.



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What business owners need to do now for  
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## Need a confidential chat?

If you have a problem brewing in your business, you're worried about something or you simply need some expert HR support then please get in touch with us for a confidential chat.

A quick conversation could save you from a very costly mistake and we could give you the clarity you need to decide your next steps with confidence.

Whether you're a new or existing client, we offer a free 30 min chat (without any obligation to buy from us in the future).

**Get in touch to arrange.**

