Protecting Employees from Third-Party Harassment

Employers have responsibilities when staff face harassment from people outside their organisation. Customers, clients, visitors, contractors and members of the public can all be third parties. The employer's response should protect the employee, address the behaviour and reduce the risk of it happening again.

1. Who is a third party?

A third party is someone who is not the employer or one of its employees. The issue may arise at the workplace, at a client's premises, during a work-related event, while travelling for work or in another situation connected with employment.

Third party	Typical situation
Customer or client	A customer repeatedly makes unwanted comments to a member of staff.
Visitor or service user	A visitor directs racist abuse towards an employee.
Contractor or consultant	A contractor working alongside staff makes offensive remarks about someone's religion.
Member of the public	A member of the public harasses an employee carrying out an off-site assignment.

2. What changed on 30 October 2026?

The Employment Rights Act 2025 strengthened the Equality Act 2010. In England, Scotland and Wales, an employer can be responsible for harassment of an employee by a third party if it failed to take all reasonable steps to prevent it. The duty covers sexual harassment and harassment related to protected characteristics covered by the relevant Equality Act provisions. This is wider than sexual harassment alone.

"All reasonable steps" does not mean an employer can guarantee that nobody will ever behave badly. It means identifying the risks and taking all the preventative measures that are reasonable for the organisation and circumstances. What is reasonable will depend on the work, the level of risk and the practical options available.

3. What preventative steps should an employer take?

Start with the situations in which employees meet people outside the organisation. Consider lone working, late shifts, repeated contact with particular customers, isolated sites and previous complaints. Then put appropriate controls in place and review whether they work.

- Assess exposure: Record the roles, locations or shifts where harassment is more likely.
- Set expectations: Tell customers, clients and contractors that harassment of employees is unacceptable.
- Give staff a reporting route: Provide a way to raise concerns without relying solely on the immediate line manager.
- Prepare managers: Explain when to intervene, change an assignment, contact a client or escalate a serious incident.

- Keep evidence and review: Retain reports, action taken, relevant communications and follow-up decisions.

4. Responding when an employee raises a concern

Take a report seriously, even if the person responsible does not work for the business. Record what happened and check whether immediate protective action is needed. Speak to the employee about what support is appropriate, consider relevant evidence and take proportionate steps with the third party or the organisation responsible for them. Avoid making the employee responsible for solving the problem themselves.

Example A | A client representative repeatedly harasses an employee

An employee assigned to a client location reports repeated unwanted sexual remarks from the client's representative. The employee is worried that complaining may cause them to lose their regular shifts.

Employer response: Record the report, offer another reporting contact if needed, assess immediate safety, engage with the client at an appropriate level and document the steps taken. Review whether a change to the work arrangement would protect the employee without unfairly disadvantaging them.

Example B | Abuse from a visitor

A visitor uses offensive language related to an employee's race. A manager describes the behaviour as an isolated customer-service issue and takes no further action.

Employer response: Intervene promptly, establish the facts, support the employee, consider restrictions on the visitor's behaviour or access and record follow-up. One incident can matter; it should not be dismissed merely because the person involved is not an employee.

5. Common mistakes worth avoiding

- Assuming that only harassment between employees creates an employer responsibility.
- Having a written policy but no practical reporting route or process for dealing with customers and clients.
- Treating a repeated problem as unavoidable because the third party is commercially important to the business.

How Assyst helps employers protect staff and manage reports

Assyst allows employers to distribute relevant company and site policies through the staff app and obtain electronic confirmation that employees have read them. Policy acknowledgements and supporting documents can be retained in the employee's electronic HR record. Important procedures and messages can also be communicated directly to employees through the app.

Employees can report concerns through the staff app, either anonymously or in their own name, directly to HR without having to report through their line manager. This provides an alternative route where a worker is uncomfortable raising a concern locally, helping the organisation identify and address issues promptly.

Discuss your workforce requirements with Assyst

Assyst Workforce Management is a workforce management platform for multi-site employers, combining HR and paperless onboarding, workforce scheduling, time and attendance, payroll calculations, task

management and a mobile staff app. To learn more about the platform or discuss your workforce requirements, visit www.assyst.uk and contact us through the website.

Useful official sources

GOV.UK — Workplace sexual harassment and third-party harassment: https://www.business.gov.uk/campaign/employment-changes/employers/workplace-sexual-harassment-and-third-party-harassment/

Acas — Harassment related to protected characteristics: https://www.acas.org.uk/harassment-at-work/harassment-related-to-protected-characteristics

Acas — Preventing harassment: https://www.acas.org.uk/harassment-at-work/preventing-harassment

Employment Rights Act 2025, section 21: https://www.legislation.gov.uk/ukpga/2025/36/section/21

General information for employers in England, Scotland and Wales, reviewed November 2026. Employers should consider professional advice where the circumstances require it.