

Harassment

Version 01 - 18th August 2026

Introduction

In 2022, the UK ratified the International Labour Organisation's [Convention 190](#) on violence and harassment at work. This means it agreed to be bound by the Convention's provisions, which require protecting people 'in the world of work' from harassment and violence regardless of their contractual status, including through effective inspection, investigation, and preventative measures. Legislation passed in 2023 only partly addressed these goals, introducing a protective duty on employers to take 'reasonable steps' to prevent sexual harassment and providing for compensation in sexual harassment cases to be increased by up to 25% where an employer has not complied with this duty.

Labour's Green Paper 2021, A New Deal for Working People, pledged to create and maintain workplaces and working conditions free from harassment, including by third parties. Labour's 2024 [Plan to Make Work Pay](#) reiterated the pledge spelling out that Labour would properly tackle sexual harassment at work, strengthening the legal duty for employers to take all reasonable steps to stop sexual harassment before it starts; and to update protections for women who report sexual harassment at work.

What does the Act say?

- The Act **improves protections for whistleblowers** by stating that disclosures about sexual harassment occurring, having occurred, or being likely to occur, qualify as 'protected disclosures.' This came into effect on 6 April 2026.
- The Act requires employers to take 'all reasonable steps' to **prevent sexual harassment** of their employees. This creates a stricter position than legislation passed in 2023, which only required 'reasonable steps' without the word 'all'.
- The Act introduces an obligation on employers **not to permit third parties** to harass their employees - where permitting is defined as failing to take all reasonable steps to prevent the harassment.
- The Act **creates a power for a Minister to specify in separate Regulations** what steps can be regarded as 'reasonable' for employers to fulfil for their protective duty and in relation to third party harassment. It gives examples of steps that 'may be specified' including carrying out assessments, publishing plans or policies, and steps relating to reporting or to handling of complaints.
- The Act provides for **facility time for trade union equality representatives**, where 'equality' includes work towards eliminating harassment.

- The Act includes **rules to prevent the misuse of Non-Disclosure Agreements**, which prevent people from speaking about their experiences, where they relate to workplace harassment or discrimination. A government consultation on this part of the legislation closed in July 2026 and provisions are expected to come into force in 2027.

What are the defects?

The amendments on harassment are broadly welcome since they move towards treating harassment at work as a structural issue and require employers to take proactive steps. However, the provisions have some shortcomings, and lack clarity in some areas, as follows:

1. **Lack of a clear enforcement framework** - the legislation does not include clear steps to improve enforcement through a health and safety lens. The government opposed amendments to the legislation proposed by Plaid Cymru, which would have strengthened the enforcement framework e.g. by placing specific duties on the Health and Safety Executive. This leaves enforcement dependent on the Equality and Human Rights Commission, which has been criticised for making limited use of its powers in this area.
2. **Lack of an inclusive approach to workers** - apart from the provisions on Non-Disclosure Agreements, the protections introduced by the Act only apply to people who have a contract of employment, apprenticeship, or a 'contract personally to do work.' This relates to the broader problem with the Act in [failing to address](#) the issues of the legal status of workers. It means that workers classed as self-employed are excluded from protection, which is problematic, for example, because many workers in the 'gig economy' are labelled as 'self-employed' and challenging such a classification can require extended legal action and is highly fact-dependent.
3. **Lack of clarity to date on steps to be taken by employers** - the requirement to take 'all reasonable steps' is not yet accompanied by clear guidance on what those steps will consist of. This means that many of the provisions are only an initial outline. The effectiveness of these obligations is dependent on the content of the Regulations to be made by a Minister in future.
4. **Long timescale for some of the provisions** - many provisions will not take effect until 30 October 2026, while rules to prevent NDA misuse are not expected until 2027. This leaves working people with inadequate protection in the meantime.

continued overleaf...



For further details, and up to date information once consultations conclude and regulations are published, see IER's new [Working Life Podcast](#), or scan this QR code.

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Harassment (continued)

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What needs to be done?

1. Measures should be put in place to **improve proactive enforcement** of the new duties on employers. This should include requiring the Health and Safety Executive to create a strategy on enforcing harassment and violence, including gender-based violence, and to issue guidance for employers (in line with the amendments proposed by Plaid Cymru). It should also entail more proactive guidance to the Equality and Human Rights Commission on the volume and breadth of enforcement activities it is expected to undertake, with input from trade unions.
2. Steps should be taken - with new legislation if necessary - to extend protective measures so that they apply to all 'in the world of work' rather than just those with the correct contractual status such as 'employee' or 'limb (b) worker', in line with the UK's international obligations. This could follow the example of Australia's Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021, which expanded the meaning of 'worker' in legislation on sexual harassment to encompass self-employed and unpaid workers.
3. The requirements on employers set out in future Regulations should provide clear stipulations for what 'all reasonable steps' requires, such as specifications on the content of plans and policies required from employers and procedures for handling of complaints. They should reflect a gender-sensitive approach, which recognises that women - especially those who are young, migrants, ethnic minorities, and in low paid or precarious work - are particularly susceptible to harassment. Workers and trade unions should be consulted on setting these requirements.
4. Where possible, implementation timelines for the remainder of the provisions should be brought forward. In particular, the government should respond promptly to the recently closed consultation on NDAs with effective steps to prevent their misuse, making use of the power to extend these protections beyond those defined as employees or workers. Any exceptions that allow ongoing use of NDAs in harassment cases should be defined strictly and kept to a minimum.



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