26 OCT 2026

Monday Morning Dispatch

MONDAY MORNING DISPATCH BY Chadwick Lawrence

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE LLP

Coming up this week...

- This week on the Legal Alternative we introduce our first guest from Corporate and Commercial Law..
- Jessica Goodwin explores the upcoming reforms to workplace harassment under the Employment Rights Act 2025 taking effect on 30th October 2026.
- The Mock Tribunal, our biggest event, is back! Tickets are available now and going fast so don't miss out!

The Legal Alternative Podcast

This week on the Legal Alternative Sam welcomes our first guest, Gaia, come to speak to us about the the world of Commercial and Corporate Law and what they may be able to do for you and your business.

If you have a topic you would like to discuss or fancy a spot on the pod please reach out to emilyshepherd@chadlaw.co.uk



In the News

Harassment at Work: What Employers Need to Know before 30th October 2026





Liability for Harassment by Third Parties

One of the most significant employment law reforms taking effect on 30th October 2026 is the reintroduction of employer liability for harassment committed by third parties

Currently, employers are not subject to a specific statutory duty in relation to harassment of employees by third parties such as customers, clients, service users, contractors, suppliers or visitors. Although an employer may still face claims in certain circumstances where it has failed to protect employees, there is no standalone legal framework expressly imposing liability for third-party harassment.

That position will change when provisions of the Employment Rights Act 2025 come into force. From 30th October 2026, employers may be held liable where an employee is subjected to unlawful harassment by a third party and the employer has failed to take **all reasonable steps** to prevent that harassment from occurring.

You may have noticed the word "*reintroduction*" here. This notion of third-party harassment was first brought forth by Section 40 of the Equality Act 2010, which was commonly known as the "three strikes rule". Under this rule, where an employer knew that an employee had been harassed by the third party at least two times and had failed to take reasonable steps to deter this harassment from reoccurring, they would be deemed liable for such harassment. However, 2013 saw these third-party harassment provisions repealed due to many viewing it as confusing and too imposing on employers.

Following this, despite attempts by the Conservative government to bring back liability for third party harassment, this was again struck down in 2019 amid "chilling" concerns regarding free speech in public spaces constituting harassment.

The new provisions taking effect in October 2026 represent a clear policy shift. Unlike the previous framework, liability will not depend upon multiple previous incidents occurring. Instead, the focus will be on whether the employer took **all reasonable steps** to prevent the harassment in the first place.

But what is meant by "*all reasonable steps*"?

Simply put, the high threshold of "all reasonable steps" will likely require employers to demonstrate that they have done everything that could reasonably be expected in the circumstances to prevent harassment. If there were further practicable measures available which could have reduced the risk of harassment, an employer may struggle to rely on the defence. Consequently, each case will turn on their facts as what is to be seen as too impractical or unrealistic is for the employer to determine, taking into account their resources and environment.

Alongside the reintroduction of third-party harassment liability, employers must also be aware of the continuing evolution of the law relating to sexual harassment specifically.

Increased Duty to Prevent Sexual Harassment

Over recent years, the legislation surrounding sexual harassment in the workplace has been significantly strengthened to provide greater protection for employees. In the UK, sexual harassment in the workplace is primarily governed by the Equality Act 2010.

Specifically, under 26 of the Equality Act 2010, sexual harassment occurs where someone engages in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of:

1. Violating another person's dignity; or

2. Creating an intimidating, hostile, degrading, humiliating or offensive environment.

It is important to note that the intention behind the conduct is irrelevant; the effect of the conduct and whether it would seem reasonable to have that effect is what is relevant. This means that comments characterised as "banter", jokes, social media activity, or behaviour occurring at work-related social events may still amount to sexual harassment where they have the prohibited effect.

In 2024, these protections were further strengthened by the Worker Protection (Amendment of Equality Act 2010) Act 2023. The Act introduced a strict preventative duty on employers, stating that employers should take *proactive*, reasonable steps to prevent sexual harassment in the workplace.

From 30th October 2026, that preventative duty will be strengthened further.

Employers will be required to take **all reasonable steps** to prevent sexual harassment, replacing the current obligation to take merely **reasonable steps**.

Therefore, while the current duty focuses on whether reasonable measures have been implemented, the new standard will require employers to demonstrate that there were no additional reasonable measures available that ought to have been taken.

Preparing for 30th October 2026

With the introduction of employer liability for third-party harassment and the enhanced duty to prevent sexual harassment now imminent, organisations should be reviewing their compliance arrangements as a matter of priority.

Practical steps employers should consider include:

- Reviewing and updating anti-harassment policies and procedures.

- Ensuring policies specifically address harassment by customers, clients, contractors and visitors.

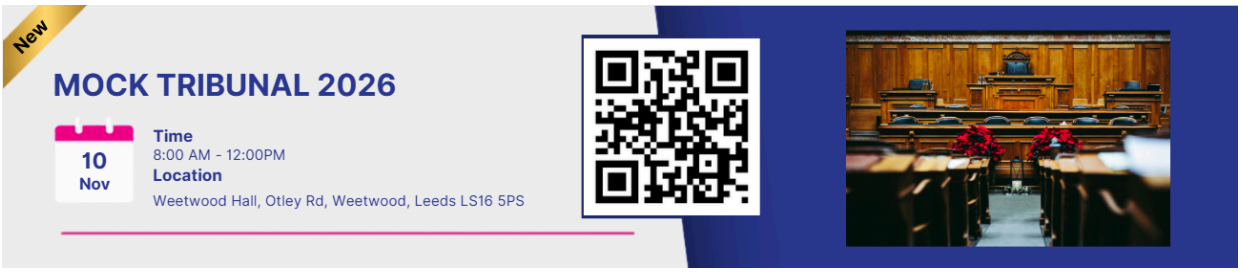
- Providing refreshed training to all staff and managers.

- Carrying out workplace harassment risk assessments.

- Maintaining detailed records of training, investigations and preventative measures.

Simply put, employers who can evidence a proactive and ongoing commitment to preventing harassment will be in the strongest position to demonstrate compliance with the new legal requirements.

Upcoming Seminars & Events



Mental Health Awareness Sessions

We're partnering with Tailored Learning Solutions to offer two day, in person, accredited Mental Health First Aid courses at our Wakefield office.

Accredited by MHFA England® and the Royal Society for Public Health, MHFAiders will improve knowledge and develop skills to support someone who may struggling and what to do with crisis support.

🔗 More info on MHFA and ND courses can be found here:
https://www.tailoredlearningsolutions.co.uk/mental-health-first-aid

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