
STATUTORY INSTRUMENTS

2008 No. 656

**The Sex Discrimination Act 1975
(Amendment) Regulations 2008**

Liability of employers for failing to protect employees from third party harassment

4. In the 1975 Act, after section 6(2A)(1) (unlawful harassment) insert—

“(2B) For the purposes of subsection (2A), the circumstances in which an employer is to be treated as subjecting a woman to harassment shall include those where—

- (a) a third party subjects the woman to harassment in the course of her employment, and
- (b) the employer has failed to take such steps as would have been reasonably practicable to prevent the third party from doing so.

(2C) Subsection (2B) does not apply unless the employer knows that the woman has been subject to harassment in the course of her employment on at least two other occasions by a third party.

(2D) In subsections (2B) and (2C), “third party” means a person other than—

- (a) the employer, or
- (b) a person whom the employer employs,

and for the purposes of those subsections it is immaterial whether the third party is the same or a different person on each occasion.”.