



Equality Act 2010

2010 CHAPTER 15

PART 5

WORK

CHAPTER 1

EMPLOYMENT, ETC.

Employees

40 Employees and applicants: harassment

- (1) An employer (A) must not, in relation to employment by A, harass a person (B)—
 - (a) who is an employee of A's;
 - (b) who has applied to A for employment.
- (2) The circumstances in which A is to be treated as harassing B under subsection (1) include those where—
 - (a) a third party harasses B in the course of B's employment, and
 - (b) A failed to take such steps as would have been reasonably practicable to prevent the third party from doing so.
- (3) Subsection (2) does not apply unless A knows that B has been harassed in the course of B's employment on at least two other occasions by a third party; and it does not matter whether the third party is the same or a different person on each occasion.
- (4) A third party is a person other than—
 - (a) A, or
 - (b) an employee of A's.