

*Status: This version of this provision is prospective.*

*Changes to legislation: Worker Protection (Amendment of Equality Act 2010) Act 2023, Section 1 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Worker Protection (Amendment of Equality Act 2010) Act 2023

2023 CHAPTER 51

PROSPECTIVE

## 1 Employer duty to prevent sexual harassment of employees

After section 40 of the Equality Act 2010 insert—

### “40A Employer duty to prevent sexual harassment of employees

- (1) An employer (A) must take reasonable steps to prevent sexual harassment of employees of A in the course of their employment.
- (2) “Sexual harassment” in [subsection \(1\)](#) means harassment of the kind described in [section 26\(2\)](#) (unwanted conduct of a sexual nature).
- (3) A contravention of [subsection \(1\)](#) (or a contravention of [section 111](#) or [112](#) that relates to a contravention of [subsection \(1\)](#)) is enforceable as an unlawful act under Part 1 of the Equality Act 2006 (and, by virtue of [section 120\(8\)](#) and [\(9\)](#), is enforceable only by the Commission under that Part or by an employment tribunal in accordance with [section 124A](#) (compensation uplift in employee sexual harassment cases)).”

#### Commencement Information

II S. 1 in force at 26.10.2024, see [s. 5\(3\)](#)

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**Changes and effects yet to be applied to :**

- s. 1 coming into force by [2023 c. 51 s. 5\(3\)](#)