Baroness Jones of Whitchurch
Minister for Legislation at the Department of Business and Trade,
Old Admiralty Building,
Admiralty Place,
London
SW1A 2DY

11 July 2025

Sexual harassment and gender-based violence in the workplace

Dear Baroness Jones,

I am writing to you in your capacity as the leading Minister on the Employment Rights Bill in the House of Lords to urge you to take the opportunity provided by this Bill to tackle sexual harassment and gender-based violence in the workplace directly.

As you are aware, I have worked with the Suzy Lamplugh Trust and Rights of Women, with further support from the End not Defend Sexual Harassment campaign, to introduce two amendments to the Employment Rights Bill. By amending the Health and Safety at Work etc. Act 1974, they seek to introduce clear, actionable duties for employers, under the oversight of the Health and Safety Executive which would be mandated to develop and publish an enforceable health and safety framework on violence and harassment in the workplace, and issue guidance for employers.

When I debated these amendments at the Committee of the Employment Rights Bill, the responding Minister set out the UK Government's position, focused on your view that we have "a strong and appropriate regulatory framework" that protects workers from these risks. While the Minister said that the Health and Safety at Work etc. Act mandates employers to take measures to reduce the risk of workplace violence, he added that the Health and Safety Executive does not intervene when there is a more appropriate regulator or where more directly applicable legislation exists. The Minister mentioned the Protection from Harassment Act 1997, which provides police the authority to prosecute, and the Equality Act 2010 and amendments to it that allows the Equality and Human Rights Commission (EHRC) to take action on sexual harassment in the workplace. I disagree with the Government's view that this framework is appropriate and protects workers from sexual harassment and gender-based violence, for reasons I will set out below.

Firstly, the police can only take action against individual perpetrators under criminal law. This not only allows employers to evade accountability, but does so also for many perpetrators as only 1.8% of all reports of stalking to the police in the year ending March 2024 resulted in a conviction, with similarly low conviction rates persisting for other forms of gender-based violence. Additionally, FOI responses from constabularies provided to the End not Defend Sexual Harassment campaign for 2024–25 show no categorisation of workplace-specific abuse. Only two police forces reported any cases of workplace sexual harassment, totalling just 7 cases in a full calendar year. It is also important to stress that the police can only take action against individual perpetrators once harm has been committed, and does not represent a preventative approach to tackling gender-based violence in the workplace.

Secondly, the EHRC's enforcement powers "can only be exercised where we suspect unlawful conduct has occurred under the Equality Act 2010" according to a spokesperson. This limits the preventative nature of this regulation, leaving survivors only able to claim for a breach of the duty to prevent sexual harassment if they win their sexual harassment case in the first place. Unlike the HSE, the EHRC is unable to issue fines, meaning the burden still falls on survivors of sexual harassment to secure accountability through the courts and tribunals. The EHRC also only regulates sexual harassment, not domestic abuse or other forms of gender-based violence. This is important to note in relation to the UK Government's measures on sexual harassment in the Employment Rights Bill, which amend the Equality Act 2010 and would therefore be under the regulation of the EHRC. This means that workers that experience other types of gender-based violence at work outside the scope of the EHRC would not be protected under these measures.

The HSE makes sense as the appropriate body to regulate the spectrum of violence that can take place in the workplace. As a fine-imposing regulator that is prominent in workplaces, and that already has statutory authority over employers, it is best placed to enforce a health and safety approach to sexual harassment and gender-based violence in the workplace. The fact that the HSE could fine two care homes in Wales £400,000 for failing to manage the risk of violence from patients while the EHRC only wrote to McDonalds that they were "at risk" of enforcement action despite clear failure to protect workers from sexual abuse and harassment speaks volumes. The HSE can put forward a proactive, preventative enforcement action that is ultimately carried out rather than offered in warning. As the Minister set out, the law already exists to protect people at work from violence through health and safety legislation under the regulation of the HSE; clearly and definitively expanding that authority to capture sexual harassment and gender-based violence at work is a logical step.

ILO Convention 190, ratified by the UK Government, requires member states to adopt laws and regulations requiring employers to take appropriate steps to prevent violence and harassment, including gender-based violence and harassment at work, "with the participation of workers and their representatives". While I thank you for your engagement with me on these amendments thus far, I disagree with the UK Government's approach which has failed to implement appropriate measures to protect workers under this convention.

My amendments are drafted by expert organisations and backed by unions. They reflect an identified gap in UK legislation that workers want filled. I have tabled these amendments for consideration at Report, and I publicly call for the UK Government's support so that we can tackle violence against women and girls using the cross-departmental and public health approach that the issue requires.

Kind regards,



Carmen Smith
Baroness Smith of Llanfaes, Plaid Cymru

Lord Russell of Liverpool, Crossbench
The Suzy Lamplugh Trust
Rights of Women
End Not Defend Sexual Harassment – Workers Policy Project
End Violence Against Women Coalition
White Ribbon UK
IKWRO
BSWA
Tender
POA
TUC Young Workers
General Federation of Trade Unions
Women, Unite the Union
Unite Hospitality
Aegis
Artists Union of England
PCS
Royal College of Podiatry
Bakers Food and Allied Workers Union
Social Workers Union
The Hospital Doctors Union
Security Industry Federation
NHBC Staff Association