

Insights

FOOTBALL FEVER AND THE NEW DUTY TO PREVENT THIRD-PARTY HARASSMENT: WHAT EMPLOYERS NEED TO KNOW

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Summary

Across the UK, workplaces are buzzing with football fever. This has only increased now England are facing Norway at the weekend.

But alongside the excitement sit certain obligations that employers cannot afford to ignore. This is particularly relevant where employers are hosting viewing events, sending staff to supporter hospitality, and, for those in the hospitality and events sectors, fielding teams of workers at packed venues. Spirits will be high, and alcohol will be available. This sounds like fun, but the combination of alcohol, high-spirited groups of workers, and third-party venues can be as unpredictable and dangerous for employers as a penalty shootout.

Currently, employers must take reasonable steps to prevent sexual harassment of their workers, including harassment by third parties. This includes steps such as risk assessments. Later this year, the obligations on employers will be strengthened: employers will be required to take “all” reasonable steps to prevent sexual harassment, and can also be liable for third-party harassment related to any protected characteristic – not just sexual harassment.

Currently, an employer may be at risk in the following situations, particularly if pre-emptive and reasonable steps have not been taken to prevent such incidents from occurring:

- A firm hosts a football screening in the office or at a hired venue. A member of staff overhears visitors making sexual jokes which he finds offensive.
- In the same situation, there is a goal and, in the melee that follows, a female member of staff is inappropriately touched by a client or customer.
- A sales executive accompanies a client to a match. Over the course of the afternoon, she faces repeated unwanted comments from an employee of the client.

- A bar supervisor working at a fan zone is subjected to inappropriate contact from spectators throughout her shift.

Under the law as it stands, employers could find themselves in difficulties in any of the above scenarios.

How can this liability be mitigated?

- **Conduct a risk assessment.** The updated EHRC Code strongly recommends that in any situation carrying a risk of sexual harassment (specifically referencing attendance at events outside the usual working environment, alcohol, and socialising outside work) a risk assessment should be carried out. If the employer has not carried out a risk assessment, the Code specifies that it will be difficult for the employer to show it took reasonable steps to prevent the harassment from occurring. A football match screening held at the employer's own premises, for example, may carry less risk than one held at a third-party venue.
- **Update policies.** Ensure the harassment and dignity at work policy is reviewed and that it explicitly covers third-party conduct. Staff should know they are protected from harassment by anyone, not just colleagues.
- **Brief staff, including supervisory/managerial staff before events.** A short, clear communication before events which either take place outside the office or involve third parties, setting expectations, training more senior staff on how to deal with complaints, and reassuring staff they can report concerns, can go a long way.
- **Train managers.** As mentioned above, line managers attending events or overseeing staff need to know how to recognise harassment and respond promptly. Bystander training is particularly valuable in crowd settings.
- **Create a clear reporting route.** Make sure there is a named contact and a simple process for raising concerns before, during and after events.
- **Document steps taken.** Employers need to show what they did and when. Keep records of risk assessments, training, communications and incident responses.
- **Follow up.** Where an incident is reported, investigate, support the affected worker and, where appropriate, escalate to the third-party organisation involved.

Don't wait for extra time

Football tournaments are a time to celebrate. But for employers, it is also a timely reminder that the duty to protect staff extends to beyond the office, and that the legal landscape in this area is moving quickly. Whether staff are watching in the boardroom or working the stadium bar, an

employer's obligations can travel with them. So now is the time to take steps to ensure internal procedures are compliant.

Moving forward

The same issues are likely to arise at any future sports tournament – and soon the rules will be more stringent. From October 2026, employers will be required to take further steps to protect their employees. The current obligation to take “reasonable steps” will be strengthened to “**all** reasonable steps”, and although it is not entirely clear what this change will mean in practice, further regulations are expected to provide clarity for employers. Also from October 2026, employers will be required to take steps to prevent third-party harassment of any kind under the Equality Act 2010, not just sexual harassment, and many employers are already updating their contracts and policies to address this change.

The authors would like to thank Trainee Solicitor Ifrah Hussein for her contribution to this article.

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