



15 March 2023

Starplan staff Christmas party ends in sexual harassment case

Shirley Lyons, who worked as a designer/sales consultant with Starplan in Portadown from June 2013 until April 2018, has been awarded £18,857 by the Industrial Tribunal following a sexual harassment, victimisation and unfair dismissal case. The case was supported by the Equality Commission.

Ms Lyons' complaints of sexual harassment and victimisation, following events at a staff Christmas party, were partially upheld. The Tribunal panel found her claim of unfair dismissal was well founded. Other lesser claims were not upheld.

Shirley Lyons had enjoyed a good relationship at work with her colleagues. She was the only female employee, along with six male employees from the Portadown and Dungannon showrooms, to attend the company's Christmas party in Starplan's Portadown showroom on 16 December 2017.

Ms Lyons was off work that day but joined the team in the late afternoon when the party was underway in the showroom before it moved on to a restaurant. As the evening wore on, the men's behaviour became wilder and more disagreeable to Ms Lyons. Despite her attempts to deflect it, she could not stop it.

The Tribunal found that one of her colleagues had made comments about Ms Lyons' breasts and cleavage and hugged her from behind without her consent. He also suggested to her that they might have an affair and touched her bottom in the restaurant. The Tribunal was "satisfied that these matters amount to both verbal and physical conduct of a sexual nature".

On 20 December 2017, Ms Lyons reported to her line manager that she had been sexually harassed by a male colleague at the staff Christmas party. Seven days later, she lodged a formal written grievance, this was investigated by her line manager.

On 6 February 2018, Ms Lyons received the grievance investigation report, which upheld some of her allegations and dismissed others. She appealed this. At a meeting on 8 March 2018, Ms Lyons raised allegations of victimisation against three of her colleagues including ignoring and excluding her, threatening to 'take her down' and intimidating and abusive language and behaviour. Ms Lyons felt she could not remain at Starplan and resigned on 7 April 2018.

Shirley Lyons said: "I am pleased the case is now over, this has put huge pressure

on me and my family and I'm so thankful for their support. I'm also glad the Tribunal agreed to lift the anonymity order, it's important for me to be free to talk about that night and what happened afterwards.

"We were on a night out, something that we had done in previous years without incident, so I was surprised and upset by what happened. Initially I was determined not to let it ruin my night, and I did my best to make it clear I had had enough of this behaviour on the night, but it ended up a very bad experience. What happened afterwards, though, was worse – my workplace no longer felt safe for me and I felt physically sick going into work in the mornings. I stood up to behaviour that shouldn't be happening in any workplace and my manager, and my employer totally failed to protect me both from the harassment and from being victimised afterwards. I had no option but to resign. Thankfully I have a new job and am keen to move on with my life."

Geraldine McGahey, Chief Commissioner, Equality Commission, said: "This case highlights three important lessons for employers. First, a work party is still work and employers are liable for what happens there. The Tribunal panel found that Starplan "did not put in place any guidelines or instruction for standards of behaviour and the consumption of alcohol for attendees and that the most senior person present, was not formally delegated responsibility for supervising the party". These measures should have been put in place.

"Second, the employer should have taken action to prevent victimisation by colleagues after it became known informally that she had formally lodged a grievance with the company. An employer is liable in law for the discriminatory behaviour of its employees.

"Finally, by failing to protect Shirley at a work event, and afterwards to protect her from victimisation, her employer breached its duty of trust and confidence to her. When she resigned as a result of this breach, the Tribunal was satisfied that her dismissal was therefore unfair.

"Work parties and outings can be an important element of reward, recognition and team building. But like any other area of work, employers must ensure everyone attending is safe and their dignity is respected, and if that doesn't happen, and staff have cause to complain, they must be protected from victimisation," concluded Ms. McGahey.

Notes to Editor

- While the case was heard in 2018, jurisdictional issues about timing delayed publication of the decision and it was further delayed by the COVID pandemic until 2021. The original judgement was anonymised by the Tribunal, and Ms Lyons appealed this in 2021. The Tribunal unanimously decided to revoke the anonymity order in January 2023.
- [Download the full Tribunal decision](#) (pdf)

