

View from the Chair; Business Newsletter; 3 August 2021 Geraldine McGahey, Chief Commissioner, Equality Commission NI

The troubling face of sexual harassment in the workplace

Sexual harassment happens in all sorts of places - fast food outlets, care homes, service stations, phone shops, corner shops, banks, laboratories and the public sector here in Northern Ireland.

Last week we publicised the case of Natasha McNicholl, who won her sex discrimination case at Tribunal. She worked for the Bank of Ireland, which the Tribunal found had failed to protect her from the harassment and failed to deal with it adequately. Originally the Tribunal had anonymised its decision and Natasha appealed this as she very much wanted to highlight the culture of tolerance towards harassment of women in the workplace.

The law defines harassment as 'actions or behaviour which have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'. Sexual harassment occurs 'where a person subjects another to unwanted conduct of a sexual nature, for example, inappropriate sexual contact or lewd comments'.

Sexual harassment is still happening in our workplaces. Consistently, year after year, gender is the second most reported form of discrimination overall to our legal advice team, and within that, harassment at work is the second most common complaint.

UK-wide [research published by the CIPD in 2020](#) shows younger employees were more likely to report being sexually harassed at work over the past three years, with 8% of those 18–34 reporting it, compared with 4% aged 35–44 and 3% aged 45–64. It also found that more women than men reported bullying at work (17% of women, 13% of men) as well as sexual harassment (7% of women, 2% of men). And worst of all from the employer point of view, almost a quarter (24%) of employees surveyed think that issues like bullying and harassment are 'swept under the carpet' in their organisation.

We hear the same sort of language again and again from women experiencing sexual harassment. Our claimant Natasha last week said: "This man subjected me and other female employees to sexual harassment. The Bank of Ireland failed to protect me from sexual harassment. This whole experience has gone on for a very long time and has been tough for me and my family." Another woman some years ago said: "I felt violated, degraded and very stressed. I could not focus on my job as I

was constantly on edge. It seemed clear to me that his behaviour and attitude, while it was unacceptable to me, was well known and indeed acceptable to other and more senior members of staff.”

The Commission publicises cases with a view to reminding people that they can turn to us for help, and also to remind employers that dealing with sexual harassment is a legal requirement with which they must comply.

In this most recent case, the Tribunal’s judgement clearly sets out the failings of the Bank of Ireland in relation to the training of employees and management in its own policies and their failure to keep accurate records.

Our advice is that just having a policy is not enough to give women the protection they need and to which they are entitled. Employers need to ensure that their policies are actually being implemented and are part of the fabric of the organisation. All staff must know what behaviour is acceptable, and unacceptable, in the workplace. Managers must make themselves familiar with the policy and thoroughly and sensitively investigate when they become aware of problems of sexual harassment.

We offer [training](#), online advice and support via the employer line, 028 9089 0888 or by email to edenquiries@equalityni.org and we have a [template policy](#) that employers can customise to their own organisation. But please don’t think it can’t happen in your workplace – it can happen anywhere.