



30 July 2021

## **Decision in sexual harassment case against Bank of Ireland**

A woman who had won her sexual harassment case at Tribunal in 2019 with the assistance of the Equality Commission for Northern Ireland can now tell her story, thanks to the Tribunal removing an anonymisation order which had prevented the naming of the woman and her employer.

Natasha McNicholl was sexually harassed by a male colleague nearly twice her age when she worked in the Bank of Ireland in Belfast from 2015 to 2016. Her case of sexual harassment was proved, and she was awarded £18,483.07 by the Industrial Tribunal in June 2019. The Tribunal concluded that the sexual harassment was serious and repeatedly violated her dignity and created an adverse working environment.

Natasha experienced inappropriate and unwanted behaviours which included invading her personal space, inappropriate comments about her personal life and looks, inappropriate conduct such as touching and pulling hair and ensuring that he left work at the same time as Natasha to be in the lift with her. The man continued to subject her to sexual harassment even after she complained to management about his behaviour, and he had been told by the Bank not to have any further contact with her.

The Tribunal was satisfied that there was an incident, when the man worked in Bank of Ireland in Bangor, of inappropriate behaviour towards a female member of staff in that office. He was required to apologise to the woman at the time and no further action took place. It also heard evidence that another female employee also reported harassment by the same man in 2016 and other employees were aware of it.

The Tribunal concluded his conduct towards Natasha was clearly in breach of the harassment policy of the Bank of Ireland and it was not convinced that the managers dealing with the incident had any relevant knowledge of the policy or had even read it. The Bank of Ireland accepted in evidence that training was inadequate, indeed Dignity at Work training only commenced in the year after the events. The man was suspended after concerns had been raised by Natasha about further sexual harassment.

While Natasha was happy with the finding of discrimination, she felt very strongly that it was wrong that the Tribunal anonymised its decision as she wished to be free to speak about the culture of tolerance towards the harassment of women in the workplace. Natasha, with the support of the Commission, appealed the anonymisation order to the Court of Appeal. In February 2020 the Court of Appeal

directed the Tribunal to reconsider the anonymisation order and determine how the case should be reported and published.

In light of new Rules of Procedure which came into force in January 2020, the Tribunal decided that Natasha, the Bank of Ireland, and other persons named in the judgement could be named. The harasser and the other women who had experienced sexual harassment are not named. The Tribunal referred to the importance of open justice and the right to freedom of expression.

Natasha welcomed the Tribunal's judgement. "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," she said. "But it was important to me that my voice was heard, and that what happened to me is not hidden under a cloak of anonymity."

Geraldine McGahey, Chief Commissioner of the Equality Commission said: "It took a great deal of courage and perseverance on Natasha's part to pursue this claim of sex discrimination to Tribunal and to stick with it until she was free to speak out.

"Sexual harassment in the workplace has been prohibited by law for decades, yet this unacceptable conduct and its damaging effects continue. This 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 all employers should take these complaints seriously, have a policy on sexual harassment and ensure it is implemented robustly and consistently to help prevent sexual harassment occurring and ensure that our workplaces are safer for everyone.

"This judgement though, is about more than the fact that sexual harassment occurred and how it was dealt with.

"This is about considering and balancing the rights of everyone involved in how a case is reported. Natasha wanted to speak out about what happened to her and it is important that women should be able to take cases to challenge sexual harassment safe in the knowledge that the Tribunal will only impose restrictions on public disclosure where they consider it necessary in the interests of justice or to protect the Convention rights of any person."