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School girl sexually harassed by former employer awarded £54k

The Court of Appeal has upheld an earlier Industrial Tribunal judgement in a sexual harassment and discrimination case taken by Alona Forose against her former employer Eugene Geraghty. Ms Forose, who was supported by the Equality Commission, has been awarded £54,335.84.

Ms Forose started working part-time in Scoopy Sweets and Ice-cream shop in Armagh in March 2017. In May of that year, the then 15-year-old, confided in her mother that Mr Geraghty, who was forty years her senior, had sexually harassed her while she was working.

Alona's mother took her to the police and they reported the harassment. Following a criminal investigation, Mr Geraghty pleaded guilty to a single charge of common assault for which he received a suspended sentence, and he accepted a Risk of Sexual Harm Order.

Alona's witness statements to police formed part of her evidence to the Tribunal, as did statements by her mother and friend. Alona provided the police with details of a long list of explicitly sexual verbal harassment and physical behaviour, including inappropriate touching and smacking.

The Tribunal found in Alona's favour and described her as a "calm, consistent and truthful witness," Mr Geraghty whose evidence was described by the Tribunal as 'both evasive and unconvincing and lacked credibility' appealed the findings.

The original judgement was upheld by the Court of Appeal in respect to the removal of the anonymity order, the use of special measures and the Tribunal taking account of factual evidence in respect of previous allegations.

The Court of Appeal reduced the amount of compensation awarded for injury to feelings and psychiatric injury and upheld the Tribunal's award of compensation for aggravated damages. It is the Court's view that this remains a 'significant award'.

Alona Forose said: "It is very important to me that I am allowed to tell my story at last. This has been a long and difficult time for me and my family, but people need to know what Mr Geraghty did to me. I am glad the Court of Appeal agreed that the Tribunal was correct to revoke the anonymity order from my case.

"I found Eugene Geraghty's behaviour dirty and distressing. When I challenged it, he just said I was lying. I'd like other girls to know that you don't have to put up with

harassment, you can challenge it and you will be listened to. I'm so grateful to my family and friends and to the Equality Commission who helped me.

"I'm also grateful that the Tribunal supported me to ensure I didn't come face to face with Eugene Geraghty while giving evidence or attending court, it made the whole experience less stressful."

Geraldine McGahey, Chief Commissioner, Equality Commission for Northern Ireland said: "It is clear from the Tribunal's original decision which has been upheld by the Court of Appeal, that each and every incident that Alona reported amounted to unwanted conduct and that conduct was equally clearly sexual in nature.

"Her treatment by her former employer had both the purpose and the effect of violating her dignity and creating an intimidating, hostile, degrading, humiliating and offensive environment for her. The Tribunal panel was unanimous in its decision that the verbal and physical incidents Alona described took place and that they met the definition of harassment laid down by law.

"We welcome that the Court of Appeal found that the Industrial Tribunal was correct in using special measures to protect Alona. They used technology to allow Alona to give evidence in a separate room and did not permit Mr Geraghty to directly question her. Instead, Mr Geraghty prepared a list of questions for the Judge, who then vetted the questions, and the Judge asked the questions directly of Alona. This was the first occasion this has happened in NI Tribunals, and we hope to see these measures continued to be used where appropriate.

"There is no doubt, this is a particularly harrowing case. Instances of sexual harassment and discrimination simply should not happen in any workplace, but we know they do. We must continue to challenge this unacceptable and illegal behaviour, and the culture of silence that often surrounds it. It must be eradicated, no employee should ever have to experience what Alona did", concluded Ms. McGahey.