

# ‘GAME CHANGER’ ON WORKPLACE SEXUAL HARASSMENT

The Irish Congress of Trade Unions has proposed that an amendment to existing employment legislation will ensure stronger protection for people suffering workplace sexual harassment and to help remove the barriers to the reporting of such abuse.

In proposals issued to the Minister for Employment Affairs Regina Doherty, the Irish Congress of Trade Unions (ICTU) has said that reports of sexual harassment should be elevated to the status of ‘protected disclosures’ – as opposed to ‘workplace grievances’.

This would, thereby, ensure stronger protection and reporting mechanisms for those submitting complaints, according to the trade union body.

ICTU’s General Secretary Patricia King described the proposed change as “a potential game changer and a major step forward for those suffering such abuse”. In a letter to Minister Doherty, King set out the case for a change to existing legislation: “The Employment Equality Act (1998)



Kevin Duffy BL, former chairman of the Labour Court, drafted ‘Employment Equality Acts 1998-2015: A Guide for Trade Unions’ on behalf of ICTU.

adequately defines sexual harassment. It clearly identifies that such harassment constitutes discrimination and, as such, is contrary to the law. However, it stipulates that any infringement is regarded as a ‘grievance’ and, therefore, a worker is obliged to submit any such complaint or claim directly to the employer only.”

## GRAVE CONCERNS

The letter notes that this is a matter of grave concern for workers who may find themselves in “this appalling predicament as very often the perpetrator can be the most senior-ranked person in the employment and fear of retribution may very well be realised”. This can result in workers who “suffer in silence or are forced to make other work arrangements,” King outlined.

The proposition by Congress would see the current



Pictured at the launch of ICTU’s new guide to employment equality law (l-r): ICTU President Sheila Nunan and General Secretary Patricia King; David Stanton TD, Minister of State for Justice; Emily Logan, Chief Commissioner of the Irish Human Rights and Equality Commission and Kevin Duffy BL, former chairman of the Labour Court.



The guide was formally launched in Dublin's Hugh Lane Gallery by David Stanton TD, Minister of State for Justice with special responsibility for Equality, Immigration & Integration.

law amended to include provisions set out in the Protected Disclosures Act (2014), giving any such complaints the status of protected disclosures. It suggests that bodies such as the Workplace Relations' Commission or the Health and Safety Authority could be among the bodies prescribed in law to receive such disclosures.

It would also cover disclosures made in the course of obtaining advice or assistance from a trade union official, barrister or solicitor.

"Given all of the above and the serious nature and consequences of sexual harassment we are of the view that the status elevation from 'workplace grievance' to 'protected disclosure' is deserved and may also act as a stronger deterrent to such despicable and shameful behaviour," the ICTU letter to Minister Doherty pointed out.

### EMPLOYMENT EQUALITY

The proposals to amend employment legislation by Congress followed its publication in early November of a comprehensive new guide to employment equality law.

Employment Equality Acts 1998-2015: A Guide for Trade Unions, authored by the former Chair of the Labour Court, Kevin Duffy, BL, provides a comprehensive guide to the taking of employment rights cases in the Republic of Ireland, in light of the 2015 Workplace Relations Act. The guide, which reflects changes in both procedures and processes affecting both the Workplace Relations Commission and the Labour Court, was published with the support of the Irish Human Rights & Equality Commission (IHREC).

On launching the equality guide, Minister Stanton said he believed it would improve understanding of equality legislation and its impact in the workplace. "Furthermore, it will also help to change mind-sets and increase awareness

of the importance of equality in our work environment."

ICTU's Equality Officer David Joyce said the guide would prove a vital resource for trade unions, for workers and for all who are interested in achieving full equality in the workplace. "A prerequisite of tackling workplace inequality is a clear understanding of the law, something which is aided immeasurably by this thorough, concise and extremely accessible guide."

### ACCESSIBLE GUIDANCE

IHREC Chief Commissioner Emily Logan said the Commission welcomed what she described as a "timely and accessible guidance to Employment Equality Acts as a key resource for trade unions and those ultimately affected by equality legislation."

Meanwhile, current chairman of the Labour Court, Kevin Foley said it was critical that all parties to the employment relationship are equipped to understand how that principle of equal treatment set out in law operates.

"Kevin Duffy has a long record of significant contribution to Irish life over many years and this extraordinarily comprehensive, learned and accessible guide will prove to be an invaluable resource to all who use it to understand the operation of equality law."

In conclusion, Oonagh Buckley, Director of the Workplace Relations Commission said: "Kevin [Duffy] has produced an invaluable guide for trade union representatives, employees and employers.

"He has condensed his breadth of knowledge and experience into a very accessible format that will be a key reference for people working in employment and industrial relations generally."



Minister for Employment Affairs Regina Doherty.