

14th November, 2017

Ms Regina Doherty T.D.
Minister for Employment Affairs and Social Protection
Department of Employment Affairs
Store Street
Dublin 1

Re: Amendments to current legislative provisions concerning Sexual Harassment in the Workplace

Dear Minister

I have no doubt that you will agree that Sexual Harassment in the workplace pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. The anxiety and stress caused to those workers subjected to it may often lead to periods of ill health or indeed their having to leave the workplace altogether and seek alternative employment. Sexual harassment may also have a damaging impact on employees who are witness to it or have knowledge of the unwanted and unwelcome behaviour.

We must also be cognisant of the fact that some specific groups are particularly vulnerable to sexual harassment as there may be a link between the risk of such harassment and a worker's perceived vulnerability such as may be the case with new entrants to the labour market, those with irregular or precarious employment contracts and workers in non-traditional jobs.

The Employment Equality Act (1998) 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. This is a matter of grave concern to most workers who find themselves in this appalling predicament as very often the perpetrator can be the most senior ranked person in the employment and their fear of immediate retribution may very well be realised. It can act as a major barrier for the worker concerned and in lots of cases workers suffer in silence or are forced to make other work arrangements.

As Minister we are requesting that you amend the current legislation pertaining to this subject to include provisions already specified in the Protected Disclosure Act (2014). Such legislation already includes the obligation to prescribe bodies to receive protected disclosures directly. We suggest that the WRC or HSA would be the most appropriate bodies in these circumstances. Such amendment should also cover disclosures made in the course of obtaining advice from a Trade Union Official, Barrister or Solicitor.

All the other provisions of the Protected Disclosures Act should in our view apply in sexual harassment cases including penalties and redress provisions.

32 Parnell Square
Dublin 1
T +353 1 8897777
F +353 1 8872012
congress@ictu.ie
www.ictu.ie

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 it also may act as a stronger deterrent to such despicable and shameful behaviour.

I would appeal to you to give this matter your urgent attention and positive consideration. We are available to discuss the matter further should you so wish.

Kindest regards

A handwritten signature in black ink, appearing to be 'Patricia King', written over the typed name and title. The signature is stylized and overlaps the text below it.

Patricia King
General Secretary