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Case Study

Managing Workplace Sexual Harassment



InsightHR

good people : good business

How We Helped a Company Navigate Workplace Sexual Harassment with Confidence and Expertise

The Challenge: A Distressing Situation with Legal and Emotional Repercussions

Workplace sexual harassment is an issue no employer wants to face, yet it's one that can arise unexpectedly, often bringing serious legal, emotional, and operational challenges.

This is the story of how Insight HR helped a growing accountancy company resolve a sensitive case of workplace sexual harassment, ensuring a fair process for all involved while protecting the business from legal risk.

Our client, operating without an internal HR department, was caught off guard when one of their employees, Sarah, came forward with serious allegations against a colleague, John, her former boyfriend.

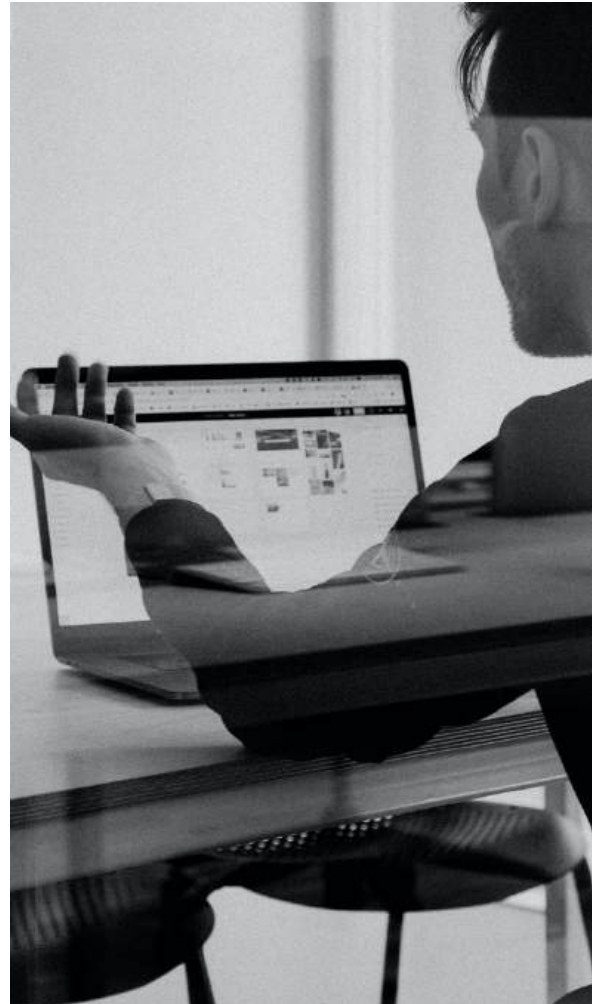
Despite the personal nature of their past relationship, John's advances didn't stop when their relationship ended.

He continued to harass her at work, using internal communication channels and direct interactions to make Sarah uncomfortable.

It reached a point where Sarah no longer felt safe coming to work.

Faced with a serious workplace issue, our client needed expert HR guidance - fast.

They turned to us for guidance, as they didn't know what to do, but did know one thing - they needed help.



How We Provided Immediate and Comprehensive Support

1. Offering Immediate Reassurance and Practical Advice

Upon receiving the client's call through our support line, we knew that time was of the essence. Situations involving sexual harassment need to be handled delicately but assertively to ensure the safety of employees while protecting the business. Our dedicated HR consultant, Megan Power, immediately stepped in to offer the client practical advice on how to proceed.

Our first step was to guide the company's management on how to address both employees individually. We advised the company to speak with Sarah to gain an understanding of the circumstances, and then advised the company to provide Sarah with the company's Dignity at Work policy, which had been developed in partnership with us, and updated in line with the relevant code of practice. This document outlined her rights and the company's obligations, offering her some reassurance that her concerns would be taken seriously.

Meanwhile, we advised the manager to meet with John and instruct him to maintain professionalism and cease any personal interactions with Sarah. Unfortunately, despite clear instructions, John's behaviour continued, and Sarah lodged a formal complaint.

Mediation was also offered to both parties, but Sarah, feeling unsafe around John, chose not to engage.

We respected her decision and explored other potential informal avenues to resolve the situation. However, Sarah rejected all of these.

At this point, it became clear that a formal investigation was needed.



2. Conducting a Thorough, Impartial Investigation

When an issue escalates to a formal complaint, it's vital that the process is handled with complete impartiality and adherence to best practices. Led by our Head of Workplace Investigations, Rebecca Bowman, we launched a detailed investigation to uncover the facts.

As with any investigation, a level of care and thoroughness was applied:

- **Interviews with all parties:** We conducted interviews with Sarah, John, and several witnesses, ensuring that every side of the story was heard and documented.
- **Review of communications:** We examined internal communication logs, CCTV and emails, which corroborated Sarah's claims and illustrated a pattern of inappropriate behaviour by John.
- **Maintaining impartiality:** Throughout the investigation, we maintained neutrality, ensuring both employees felt they were being treated fairly and respectfully.

The investigation concluded that John had sexually harassed Sarah and had wilfully disregarded management's instructions to stop. Rebecca documented this in writing and sent a detailed factual report to the company. Thereafter, the company decided they had no choice but to address these matters formally with John through their disciplinary procedure.

3. Resolving the Case Through a Fair Disciplinary Process

Our support didn't end with the investigation. As Rebecca had carried out the investigation, she was not the person to guide the client on the next steps. Megan stepped back in to the picture, and guided the company's management team through the disciplinary process, ensuring that it was compliant with employment law and followed a fair procedure.

John was given the opportunity to defend his actions during the disciplinary hearing. As it is vital that there is a clear separation between people conducting the investigation and conducting the disciplinary hearing, this hearing was chaired by our HR consultant Joe Thompson. After reviewing all the evidence, the decision was made by the company to terminate John's employment due to gross misconduct.

After the disciplinary process, John exercised his right to appeal the dismissal. Once again, we provided expert guidance to the client, ensuring the appeal process was conducted fairly. The appeal was upheld, confirming that the company had acted reasonably and the sanction of dismissal was proportionate in the circumstances.

Supporting the company during this process was a priority. We ensured that the process was fair, that the disciplinary sanction was well-documented, with a clear rationale for dismissal.

4. Supporting Both Parties with Care and Compassion

While managing the investigation and disciplinary process was critical, we also focused on the need to support the well-being of both employees during this challenging time.

Before the investigation began, we introduced the company to our partners, Telus Health, and the company put in place an Employee Assistance Program (EAP), which was offered to both Sarah & John.

This provided them with confidential counselling and emotional support, ensuring they had resources to help them navigate this difficult period.



The Outcome: A Business Protected and Lessons Learned

John later filed a claim with the Workplace Relations Commission (WRC) for unfair dismissal. Thanks to our meticulous documentation and adherence to best practice, the WRC ruled in favour of the employer, and no award was made against the company.

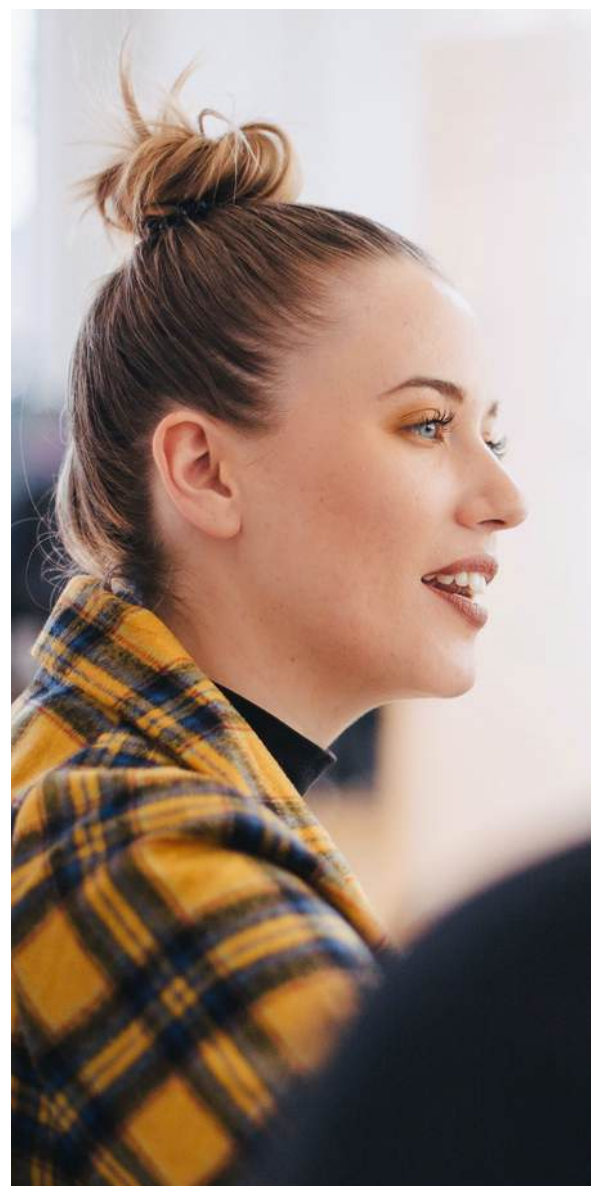
The company was able to avoid reputational damage, and potential financial losses.

Long-Term Solutions: Building a Safer, More Resilient Workplace

Resolving the immediate crisis was only the first step. We worked closely with the company to implement proactive measures to prevent future incidents of sexual harassment:

- **Manager Training:** We delivered in-depth dignity at work training to managers, equipping them with the skills to identify and address workplace issues early.
- **Employee Awareness:** A pre-recorded dignity at work awareness session was made mandatory for all employees. This ensured that everyone understood their role in creating a safe and respectful environment.
- **First-Line Support:** We provided in-house training to designated support personnel, empowering them to act as the first point of contact for any future dignity at work concerns.

Through this holistic approach, the client is now better equipped to handle sensitive HR issues. They trust Insight HR as a long-term partner who can guide them through the most challenging situations.



The scale of the issue in organisations across Ireland

Workplace sexual harassment can have severe consequences for individuals, including mental health issues such as anxiety, depression, and stress. It can also lead to decreased job satisfaction, absenteeism, and decreased productivity.

Prolonged exposure to inappropriate behaviours in the workplace can lead to symptoms of psychological trauma, resembling those seen in post-traumatic stress disorder (PTSD). This may include flashbacks, nightmares, hypervigilance, and difficulty concentrating. In some cases, workplace sexual harassment can manifest physically, leading to health issues such as headaches, sleep disturbances, gastrointestinal problems, and increased vulnerability to illnesses due to a weakened immune system. Victims of workplace sexual harassment may also face challenges in their professional lives, including difficulty advancing in their careers, job loss, or financial instability, which in turn can contribute to long-term stress and anxiety.

The costs associated with workplace sexual harassment include decreased morale, increased turnover rates, and potential legal liabilities. Many unsuspecting employers find themselves entangled in litigation because they are held vicariously liable for the behaviour of their employees.



A survey conducted by the Irish Human Rights and Equality Commission (IHREC) found that **1/7 people experienced workplace harassment** based on grounds such as gender, age, race, disability, or sexual orientation. The actual number of incidents is likely much higher due to underreporting.

How we can help

Workplace sexual harassment is more than just a legal risk - it can impact the health, safety, and well-being of your employees, as well as the reputational damage caused if a case reaches the WRC, or worse, the media.

The good news is, we don't shy away from the tricky situations, we can take care of all aspects of this workplace challenge. From reliable and consistent advice and guidance, to full scale management of the investigation and disciplinary process, to proactive training programs and future-proofing policies.

Don't wait for an issue to arise - let's talk about how we can support you in creating a respectful, legally compliant workplace.

Get in touch with us today at 0567701060 or info@insighthr.ie!



Mary Cullen
Managing Director

“With Insight HR, your investment will never just be about fixing a problem or developing a strategy. Instead, our partnership approach arms teams with the knowledge they need to make better decisions. We leave HR teams better informed and more confident in their abilities to resolve future HR issues.”

“Our dedicated Workplace Investigations team have handled investigations across a wide spectrum of issues, for organisations of all shapes and sizes. With us, you can rely on impartiality and integrity throughout the process, a quality report that can withstand external scrutiny, and trusted support for you, your organisation, and your people.”



Rebecca Bowman
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Get to know us!

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webinars, and everything else!

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