



### **Harassment in the Workplace\***

In case ADJ2040 the employee brought a number of claims. The only claim which was upheld was the claim of harassment. In this case an award just over €8000 was made being equivalent to 52 weeks pay.

In the case the complainant gave clear and cogent evidence in relation to the treatment she received by the alleged perpetrator.

It appears that initially the employer appeared to believe the complainant and stated they would put a stop to the behaviour of the employee who was harassing the complainant. Then it appears that the attitude changed and a HR professional was appointed to investigate matters. The Adjudicator noted that there was a hostile and unproductive nature at the first meeting of the investigator and the complainant.

The employer submitted that as a responsible employer it engaged the services of a HR profession to investigate the complaints and further pointed to the existence of company policy on Dignity in Work. Section 14(2) provides a defence for an employer where it can be shown that the employer took such steps as are reasonably practicable to prevent the harassment. The Adjudicator found that the evidence of the complainant that the respondent initially appeared to believe the complainant. The Adjudicator held that while the respondent can rely on a partial defence in having appropriate policies in conducting the investigation the Adjudicator found that the full defence cannot be relied upon.

This case is interesting in that the Adjudicator did specify the number of weeks in setting the level of compensation. This is useful in settling a benchmark. It is also helpful that a very considered view of the facts were set out along with the law.

**\*Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

**\*\*In contentious cases, a solicitor may not charge fees or expenses as a portion or percentage of any award of settlement.**