

Senior Executives and Managers Bringing Sexual Harassment Claims*

Sexual Harassment is an issue which is constantly arising in cases where people come to see us. There is a belief that if a claim is brought or raised with an employer that because of the way Irish society is that this is the end of their career. Solicitors will tell us that the legal profession is a very small profession and that if they bring a claim that is the end of their career. Female Solicitors told us that if they bring a claim relating to pregnancy related discrimination that because the legal profession is very small that will be the end of their career. We have had bankers who have told us that because the banking industry is very small in Ireland that is the end of their career. We have had medical professionals tell us that because the medical profession is very small in Ireland bringing a claim will be the end of their career. In fact there is not one professional from Accountants, to Solicitors, to Doctors, to Dentists, to Bankers, to HR Professionals and the whole ambit of individuals who are professionals that raise the same issue with us that does not say their profession is very small.

The reality on it is that this is totally incorrect. Why you might ask?

The answer is very simple. Bringing a claim that you were sexually harassed or you were discriminated against on any of the protected grounds but in particular pregnancy related issues and gender issues are issues which are far more detrimental to the employer than to you. Attracting and retaining professional staff is a huge challenge for every profession in Ireland. The number of professional firms and hospitals which promote the fact that they are great places to work and spend considerable sums of money promoting same know that all of that work is completely undermined and a complete waste of money if they are found to be an organisation which discriminates or does not act to avoid sexual harassment in their workplaces. Every hospital is short of Doctors and Nurses. Solicitor firms and Accountancy firms are finding it extremely difficult to attract staff. There are significant numbers of openings in various professional firms.

The banking industry is always looking for experienced individuals.

There are some very bad employers in Ireland. Equally there are some very good employers in Ireland. A good employer will never see taking

on and employing somebody who stood up and opposed discrimination and/or opposed sexual harassment in another workplace to be treated as a negative and will often be treated as a positive.

Employers who have to defend such claims know that their professional standing and reputation is far more at risk than that of the person bringing the claim against them. It will be the employer entity who wants the confidentiality clause and non-disclosure agreements. It will be the employers who do not want the case going public. This firm has been very open and forthright in relation to the issue of sexual harassment and discrimination generally. We regard it as odious and an egregious breach of employment rights.

We have been vocal in opposing harassment particularly sexual harassment and discrimination since this firm was founded and before that. In representing our clients we will do so to the very best of our ability. However we are not here to get the headlines. If that happens it is more by mistake than design. We are here to get matters resolved, settled and to allow you to move on. In some cases our clients will want to go for a full hearing. We will support that 100%. In other cases clients will be prepared to go for hearing but their preferred option is to get matters settled. In some cases this may involve monetary sums. In other cases it may simply be that they want the harassment stopped. Again in all cases we will support you 100%.

There can be times when people come in to see us will feel embarrassed about saying certain things to us. Please do not be. If you would rather speak to a female Solicitor you can do so in this firm. If you would rather speak to a male Solicitor you can do so in this firm. Normally we try to act as a team to bring the various strengths of the individuals in the firm together. Absolute confidentiality in dealing with your case is the most important thing for us. Some people will like to come and talk to us. Some people would rather set it out in writing as they may feel embarrassed talking about matters. All we can say is that we have a lot of experience in dealing with these types of cases. There is going to be nothing that has not been said to us in the past. It does not mean that we would not be shocked. We often are. Often this is because something which we would have thought should have ceased is continuing. However, what you tell us is probably something which we would have heard before. It may be a combination of issues which we have heard before. It may be, at times, the worst incident that we have heard before.

In all cases however, we are here to support you. Our job is to do the best we can to get the best result for you.

It doesn't cost a lot to come and see us. It is €200 for a first consultation inclusive of VAT. We will listen to you. We will listen to your story. We will give you our advice. We will be very supportive. We will give you the options and we will give you the time to choose the option which best suits you. If it is that you do not wish to proceed we fully understand. If you wish to proceed with a case then we will give you a clear engagement letter setting out what we are to do and what you want us to do. We will not take on a case if we do not believe that we can provide a service which you want provided.

If any message goes out from this article of ours it is please do not be afraid to bring a case. Do not be afraid that bringing a case is going to ruin your career. To an extent you have to trust us on this but we are saying to you it will not. Ireland may be a small place but for employers who want to be seen as a great place to work a sexual harassment claim or a discrimination claim is the most serious claim that can ever go against them as regards their ability to attract and retain staff where that case is won by an employee.

We do have to finish by saying we are not encouraging litigation. We do not do so. We have very high standards as to the clients which we take on. Where we believe an individual has a good stateable case on the facts as set out to us we will always take the case. Where we do not believe there is a good stateable case then we will not take the case. You can be absolutely assured also that when you come to us there will be absolute confidentiality whether or not you take the case or we agree to take the case. You come first. As we said we have an approach and attitude towards sexual harassment and discrimination generally. We find it abhorrent and therefore there is no case which we believe is a good case which we will not take regardless as to whom the case is against.

You can contact us on 01-969 5781 or info@grogansolicitors.ie or in urgent cases you can contact Richard Grogan at richard@grogansolicitors.ie to arrange a consultation.

***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 as a proportion or percentage of any award or settlement.**