

## Equality Bodies Combating sexual Harassment at Work

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# Sexual Harassment at Work- Ombudsman's intervention

The Ombudsman is the **National Equality Body** responsible for monitoring the implementation of anti discrimination legislation and for the promotion of the equal treatment principle [Laws 3896/2010 and 4443/2016].

For this purpose, the Ombudsman examines cases pertaining to the violation, of the in-effect legislation, e.g. violation of the principle of equal treatment between women and men (or other protected characteristics) in the workplace. This violation may pertain to: access to work, equal opportunities, terms of employment and working conditions, pregnancy and maternity protection and, of course, direct or indirect discrimination and harassment on the basis of gender.

The complaints may be submitted to the Authority by the concerned individual or forwarded by the **Labour Inspectorate**, when the violation occurs in the private domain. The latter is obligated by Law to notify the Ombudsman when it investigates labour disputes which contain the element of discrimination based on gender, race, ethnicity, age, disability, maternity protection, or harassment, including sexual harassment.



# SEXUAL HARASSMENT IN THE WORKPLACE

**It is Gender-based violence & harassment : physical, psychological, verbal or written**

**Sexual harassment:** is the unwelcome sexual behavior, connected with the gender of a person, which by purpose or effect violates the dignity of the person and generates an intimidating, hostile, degrading, humiliating or offensive environment in the workplace. It is behaviour which makes the person who receives it to feel offended, humiliated, unworthy and frightened. It can include:

- comments about a person's body, the way the person looks, or their personal life
- displays of sexually suggestive behaviour, such as gestures, leering or staring,
- touching -fondling or hugging
- sexually suggestive comments or jokes (e.g. not having been sexually satisfied)
- openly displaying offensive screen savers, photos, posters, calendars or objects
- repeated requests to go out (for dinner, swimming, etc.)
- requests for sex
- requests for body care
- sexually explicit emails, text messages or posts on social networking sites.
- sexual assault.

# SEXUAL HARASSMENT IN THE WORKPLACE (2)

✱ This type of victimization is further enhanced by **cultural-historical factors** and by the social **stigma** attached to such type of incidents.

For these reasons, very often women keep silence, fearing retribution, e.g. dismissal, public castigation, or even ridicule. Women may also feel threatened that they will be persecuted for defamation, while it will be difficult for them to prove anything (especially if there are no witnesses to the incidents) because it will be their word against the other.

## Collaboration with the Labour Inspectorate and the Ombudsman's Mediation

- ✱ Ascertains if there a prima facie case- if there is enough inference for wrongdoing
- ✱ Takes part in the three party (victim, employer, Labour Inspectorate) meeting. This is most often a fact finding and, possibly, reconciliation meeting, which is initiated by the Labour Inspectorate, based on the worker's complaint
- ✱ Proceed with its own investigation of the case through examination of witnesses- recording their testimonies. It is emphasized that in accordance with the Eu and national law the absence of intent or motive to damage the dignity of the person, or to create a hostile and degrading working environment, is not a precondition for determining that harassment has occurred. It is adequate to determine that the willful actions of the perpetrator had the described effects.
- ✱ Requests evidence from the employer- reversal of the burden of proof
- ✱ Issues a report on findings
- ✱ Makes recommendations to the Labour Inspectorate for possible action<sub>5</sub> from their part on behalf of the victim (e.g. imposition of fines).

# Important aspects of a Sexual Harassment Case

## **“Prima Facie cases”-Bringing a Case to light**

- ✚ **Inferring, Substantiating and Proving** that the unwanted conduct against the member of the protected group was carried out
- ✚ **Burden of proof-** is on the side of the perpetrator -not the victim
- ✚ **Positive Action-Sanctions-Conclusion**
- ✚ **Enforcement of rights**