

Equinet Gender Equality Training on Harassment and Sexual Harassment, 23-24 September 2014, Warsaw

Session 7 – Case Studies

A young woman aged 18 comes to you for advice. She works as a dental assistant and tells you she has been sexually harassed by her employer, a male dentist Mr Smith.

She tells you all the dental assistants keep out his way.

Mr Smith started off being friendly and asking her about her weekend. She became uncomfortable when he started asking her about her boyfriend and what they got up to.

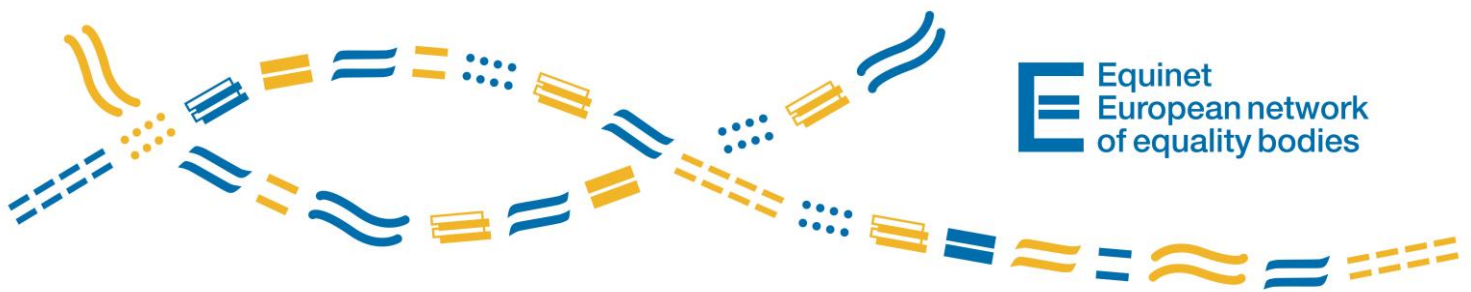
Her problems really started once she split up from her boyfriend. She became upset one day at work and Mr Smith put his arm around her. At first she thought he was being fatherly, but he held her close to him.

After this he started making comments about her clothes, such as “lovely short skirt” and “ you must work out a lot”. Now he leans in very close when speaking to her and she feels uncomfortable.

She is off sick as a result and wants to know if she can bring a claim. She has complained to the only female dentist in the practice, who spoke to Mr Smith who denied it and said he was just being fatherly.

Questions to consider

1. Do you have enough information to bring a claim?
2. Is this a case of harassment on the grounds of sex?
3. What else would need to ask her in order to collect evidence?
4. Does this fall within the definition of sexual harassment?
5. Who can the claim be brought against?
6. Do you need to consider time limits?
7. Where in your country can a claim be brought?
8. When does the burden of proof shift?
9. How would you interact with other actors, such as Trade Unions to help you investigate?
10. Does it make any difference if



- a. She was not employed by Mr Smith but was a patient and he made comments about her clothes, figure and weekend activities?
 - i. Can she bring a claim?
 - ii. In your county is the claim brought in a different court?
 - iii. What extra evidence would she need?
- b. The young woman is employed by the dental practice but a patient makes comments rather than Mr Smith?
 - i. Does she need to have complained about it?
 - ii. What extra evidence would you need?

Question 2

Mrs Andrews worked in an insurance firm. She is married, and had an extra marital affair with a male colleague. The male colleague boasted about this to his male friends at work. One of these men, called Max, approached her and said unless she had sex with him, he would tell her husband. He also made sexual comments to her in the office on a number of occasions. When in the office, Mrs Andrews, saw the men laughing and whispering. She believed they were whispering about her.

Mrs Andrews left work due to this.

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6. Do you need to consider time limits?
7. Where in your country can a claim be brought?
8. When does the burden of proof shift?
9. How would you interact with other actors, such as Trade Unions to help you investigate?
10. Does her extra marital affair make a difference to her chances of success?
11. Does it make a difference if;
 - a. The comments happened outside work in the pub?
 - b. She had not told anyone at work about it?
 - c. She tells you she doesn't want her husband to find out about the affair?