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Sexual jokes at workplace may be no laughing matter



Verbal harassment occurs frequently in the workplace as perpetrators often fail to realise that unwelcome sexual jokes directed at colleagues are illegal, according to the equality watchdog.

“Once a joke has the effect, even if not the purpose, of violating the dignity of a person or of creating an intimidating, hostile, degrading, humiliating or offensive environment, then that joke has gone too far,” a spokesman for the National Commission for the Promotion of Equality said.

Last week, Doris Bonello, was awarded €2,000 by the Industrial Tribunal which found that she had been a victim of verbal sexual abuse.

In November 2007, Ms Bonello was asked to attend a meeting with the company directors at General Soft Drinks. When she walked in, there was nowhere to sit on and when she asked where she could sit, the sales and marketing manager, Martin Agius, who was chairing the meeting, told her: “Sit between my legs.”

Company general manager Maria Micallef testified that despite having 260 employees, she had never received any complaints on sexual harassment at work over the past 10 years.

Mr Agius got away with a verbal warning by the company and was asked to apologise formally to Ms Bonello who no longer works at the firm.

The tribunal heard that although the company had a sexual harassment policy, this was only distributed to management and had not been given to all employees. The tribunal found that the company lacked a proper mechanism for employees to feel “safe” to report their superiors for bad conduct.

Lawyer Ian Spiteri Bailey, who specialises in employment and industrial relations law, said: “Most employers and companies have as yet much more to do in order to be well-equipped and trained to deal with sexual harassment cases.”

He added that although he had seen improvements over the past six years, there was still room for progress.

The NCPE noted that each employer must have a formal and effective policy indicating that sexual harassment was not allowed at the workplace. Furthermore, they are also expected to have an internal procedure to deal with incidences of harassment.

“Internal procedures are important since these can better address the situation. This could involve issuing a warning to the perpetrator which could lead to dismissal, removing the perpetrator from the department in which the victim works, or other internal arrangements.

“What is important is that whatever measure is taken it is clear that the victim is not penalised for having been harassed,” the NCPE spokesman said.