

Pornography in the workplace may amount to Harassment

EMPLOYMENT

A recent Employment Appeal Tribunal (EAT) case held, that it amounts to sex discrimination where a male colleague in the same room as a female colleague, was downloading from a computer, pornographic material. The Employment Appeal Tribunal held that this clearly had the potential effect of causing offence to a female employee, working in a close environment and, as such, would be regarded as degrading or offensive to an employee. The Employment Appeal Tribunal held that it clearly amounted to less favourable treatment and a detriment followed from the nature of this behaviour. In the circumstances, this led to direct sex discrimination.

It is also important to note that the Employment Appeal Tribunal held that the fact that the Employee did not complain at the time did not matter as it was so obvious, as in this case, that such conduct could amount to harassment.

In light of the decision you should ensure that your e-mail and internet policies are updated to make reference to the downloading of pornographic material and that your equal opportunities policy are also amended, setting out examples of what could amount to discrimination.

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We are able to offer seminars for managers dealing with various employment issues, including harassment and bullying in the work place. If you are interested in a seminar for your managers, then please contact Sejal Raja on 020 7227 7410 or e-mail sejal.raja@rlb-law.com

If you have any questions arising from this alert, then please do not hesitate to contact Sejal Raja (sejal.raja@rlb-law.com) or Lara Crane (lara.crane@rlb-law.com) or telephone on 020 7222 7040.

Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.

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