

Sexual harassment and other forms of harassment at a workplace

Abstract

This thesis focuses on the issue of sexual harassment and other forms of harassment within the framework of employment relations. It addresses sexual harassment, which can be considered as one of the most serious forms of harassment, as well as a type of discrimination that represents an unwanted, intense and crucial interference in the working life of a harassed person.

The aim of this thesis is to analyse the importance of adequate prevention in individual workplaces, the relevance of establishing applicable control mechanisms to ensure compliance with set rules and the inadequacy of the currently provided protection for victims. This thesis proposes possible corrections and tools that should ideally be applied in workplaces and their compliance should be enforced and monitored by state authorities. Moreover, it is gradually supported by related judgements on the matter. The premises and hypotheses are compared with the results of various surveys and studies. The main chapters contain suggestions and considerations aimed at improving the current situation.

This thesis is divided into seven chapters. The individual chapters are structured in such a way that the reader first gains a theoretical understanding of the issue and is thus able to understand the proposed solutions and reflections.

The first chapter, identifies and explains fundamental concepts such as equality, discrimination, violence and other forms of harassment occurring in the workplace, such as mobbing, bossing, staffing and chairing. The second chapter provides an overview of the legal framework of harassment and sexual harassment at the international, EU and national level. The third chapter analyses the most serious form of harassment - sexual harassment. It depicts not only the history and forms of sexual harassment, but also the associated consequences and crimes. Furthermore, it also briefly concentrates on the Me Too movement. Chapter four examines the preventive and protective mechanisms currently offered by the Czech legal order, as well as possible defence of the employee. The inappropriate approach of state authorities is illustrated by a critical analysis of selected decisions of the European Court of Human Rights. The fifth chapter critically evaluates the case of a sexually harassed paralegal. Chapter six interprets the results of the survey, where public attitude towards harassment in the workplace is also presented.

Lastly, chapter seven investigates prevention in the workplace, as well as suggests appropriate improvements and modifications.

Keywords

Harassment at the workplace, sexual harassment, discrimination, equality, bullying, violence