

MORAL & SEXUAL HARASSMENT IN THE WORK PLACE

There is a case of moral harassment under the following conditions:

- The worker is systematically subjected to aggressive, brutal or undesirable behaviour in her/his workplace, which can be manifested even by a single act.
- Such behaviour results in an intimidating, hostile, degrading or humiliating working environment.
- As a rule, it is manifested by the worker's hierarchical superiors, but this is not absolute.
- Where harassment is linked to national or ethnic origin, race, colour, ancestry, religious or other beliefs, disability or chronic ailment, age, family or social status, sexual orientation, identity or gender characteristics resulting in violation of the dignity of a person and the creation of an intimidating, hostile, degrading, humiliating or offensive environment, such case constitutes prohibited discrimination, with further adverse consequences for the employer.

There is a case of sexual harassment if:

- The worker suffers any form of unwanted, verbal, psychological or physical sexual behaviour
- Such behaviour has the effect of insulting her/his personality, in particular by creating an intimidating, hostile, degrading, humiliating or aggressive environment in the workplace.

The employee- – victim of harassment has the following possibilities:

- To make a complaint before the Labour Inspectorate, and in the case of sexual harassment also before the Greek Ombudsman.
- To suspend work, requesting the employer to take all appropriate measures to protect the worker from such harassment.
- To take legal action against the employer and the offender for violation of personality, demanding removal of the infringement and its omission in the future and claiming compensation for the moral damage suffered. In parallel, the worker may request cancellation of any employer's decision imposed as a result of the victim's reaction to harassment.
- To regard the harassment against her/him as a unilateral harmful change and in such case: (a) to request removal of the infringement and reinstatement of the working conditions to the agreed ones, (b) to regard such conduct as termination of the employment contract and to apply for compensation for her/his dismissal.
- To terminate a fixed-term employment contract due to major reason and apply for relevant compensation.
- To sue/prosecute the person who has caused the worker any physical harm or injury, as well as against the employer. Causing bodily harm is also considered to include intentional infliction of physical pain or physical exhaustion dangerous to health or mental pain capable of causing serious mental harm

It is proposed that the worker consults a specialized attorney before any of the above actions are taken.

In any case, the employer is obliged to take all measures to protect the worker from harassment, and any refusal or omission of the employer renders the same liable for breach of the welfare obligation.

Note:

The worker victim of harassment, when filing a suit at court, must prove that she/he has been subjected to harassment.

Important:

If the harassment is due to national or ethnic origin, race, colour, ancestry, religious or other beliefs, disability or chronic ailment, age, family or social status, sexual orientation, identity or gender characteristics of the worker, then it is the employer who must prove that there has been no adverse discrimination against the victim. This arrangement is particularly favourable for the worker's legal claim.