

Employers are legally bound to protect their employees from sexual harassment

The National Commission for the Promotion of Equality (NCPE), as Malta' national equality body, underlines that employers have a legal duty to protect their employees from sexual harassment.

Employers in both the public and private sector are bound to take action against persons who, following fair internal investigations, have been found to have engaged in sexual misconduct. This duty applies even if there are pending Court proceedings against the individual accused of misconduct. This means that employers cannot simply leave the matter up to the Courts and refrain from taking action to protect the safety and wellbeing of their employees.

Article 9 (2) of Chapter 456 states that "Persons responsible for any work place, educational establishment or entity providing vocational training or guidance or for any establishment at which goods, services or accommodation facilities are offered to the public, shall not permit other persons who have a right to be present in, or to avail themselves of any facility, goods or service provided at that place, to suffer sexual harassment at that place."

The NCPE reiterates that sexual harassment is a form of gender-based violence and an abusive assertion of power and control over others. In this context, sexual harassment cases go often underreported due to fear of the perpetrator and concerns that those experiencing it will not be protected following their report. Therefore, it is of paramount importance that employers take sexual harassment seriously and pro-actively send the message that they are implementing all necessary measures to safeguard their employees. Failure to do so will not only endanger their employees but also discourage other persons experiencing sexual harassment from coming forward and reporting their case.

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