

IN THE MATTER OF THE HUMAN RIGHTS ACT 1981  
IN THE MATTER OF THE BERMUDA HUMAN RIGHTS TRIBUNAL

BETWEEN:

B

Complainant

-v-

(1) RM.

(2) R

Respondents

---

**JUDGEMENT**

---

Quorum: John Hindess, Chairman  
Jonathan Young and Carla George, Panel Members

Complainant: Represented by Mr. Peter Sanderson, Benedek Lewin Limited

Respondents: Represented by Mr. Richard Horseman, Wakefield Quin Limited

**Background**

1. B was employed with the First Respondent, RM from 18 August 2015 until on or about 9 February 2016, when she was terminated for serious misconduct.
2. B filed a complaint with the Human Rights Commission against the Respondents on 16 February 2016, as further detailed in her Particulars of the Complaint dated 21 March 2016. The allegations are summarized as follows:
  - a. The Second Respondent discriminated against her by sexually harassing her in the workplace in contravention of section 9(1) of the Human Rights Act, 1981;

- b. The Respondents discriminated against her by not taking such action as is reasonably necessary to ensure that sexual harassment did not occur in the workplace, in contravention of section 9(3) and 9(4) of the Human Rights Act, 1981; and,
  - c. The Second Respondent discriminated against her by harassing her in the workplace because of her sex in contravention of section 6B of the Human Rights Act, 1981 as read with section 2(2)(a)(ii) of the Human Rights Act, 1981.
3. The Respondents, *inter alia*, denied that the Second Respondent sexually harassed the Complainant, denied that the First Respondent or the Second Respondent failed to take reasonable steps to stop sexual harassment from taking place in the workplace and denied that they did not deal with the Complainant's concerns properly.
  4. The hearing of this matter was held on 4 and 5 June 2018.

#### **Preliminary Issues**

5. The Complainant filed four summonses to witness for AM, AdM, CP and MC. AdM had given a witness statement on behalf of the Complainant and MC had given a witness statement on behalf of the Respondents and both were in attendance. AM was also in attendance but had not given a witness statement. CP had not given a witness statement and did not attend on the first day of the hearing although he did attend on the second day. The Respondents had no objection to AM or CP giving evidence with no prior witness statement having been filed.
6. Mr. Sanderson proposed that AM give her evidence first due to the fact that she had to go to work. Mr. Horseman objected to B being in attendance while AM gave her evidence prior to B giving evidence. B agreed to leave the room while A gave her evidence.
7. A further preliminary issue was to do with certain audio recordings that B intended to enter into evidence. Although these recordings had not been provided to the Tribunal prior to the hearing, they had been provided to the Respondents. However, Mr. Horseman raised the issue of the provenance of these recordings as there was no evidence of when or how they were made and the alleged particulars or relevance of their contents. Mr. Horseman also raised the issue that B had not filed a witness statement.
8. In response, Mr. Sanderson stated that Mr. Horseman had received the audio clips in question "quite some time ago" and "was told they were recordings that B took in the shop of R." Further, regarding their provenance, B could explain this in her evidence in chief. Regarding her lack of witness statement, Mr.

Sanderson stated the Particulars of her Complaint dated 21 March 2016 amounted to her witness statement which is a signed statement giving the details of what happened to her.

9. The Tribunal held that there was no prejudice to the Respondents in allowing the Particulars of Complaint to stand as B's witness statement so long as her evidence in chief was limited to the contents of the Complaint. Regarding the audio recordings, the Tribunal requested the Complainant provide proof of the provenance of the recordings later that day but in the interim, the hearing would proceed and B would be allowed to put the recordings into evidence and be cross-examined on their provenance and content by the Respondents. The Tribunal would then consider the evidence presented at the hearing in conjunction with the evidence of provenance to be provided in attaching the appropriate weight to the audio evidence when making its judgment in this matter. No evidence of the provenance of the recordings was ever provided.

### **Hearing**

10. On 4 and 5 June 2018, a full hearing of the evidence took place with the Tribunal hearing evidence from B (Complainant), AM, AdM, R (Second Respondent), HR, JR, MC, HDR, AS and CP.
11. RM owns and operates the business known as SDV in St. Georges Parish.
12. RM is owned by R, HR and HDR.
13. AM, CP and AdM were former employees of RM who worked at the SDV store during B's tenure. MC and JR are employees who also worked there during B's tenure and still do. AS is a friend of R who frequents the store.
14. The Complainant alleges that she was the victim of a sustained campaign of harassment from R over many months beginning several weeks after she began her work and continuing until she was terminated some 6 months later.
15. The Complainant alleges that this harassment included unwanted physical touching in the form of intentionally bumping into her, rubbing her hair, neck and shoulders and even attempts by R to touch her breasts and genitals.
16. The Complainant also alleges that R made sexual advances towards her and propositioned her for sex and even tried to use the Complainant's grocery debts with RM to negotiate for sexual favours.



17. Finally, the Complainant also alleges that R continually made offensive, rude and sexual comments towards her and allowed other staff and customers to do the same without taking any steps to stop them.
18. In support of her allegations, the Complainant called AM, AdM and CP as witnesses.

### **Witness Evidence**

19. The nature of the allegations and the lack of physical evidence meant that the Tribunal had to determine their veracity based almost solely on the oral evidence given by the witnesses. Therefore, we feel it prudent to summarize each of the witness' evidence.
20. AM was the first to give evidence and stated that she had worked at the SDV store at the same time as the Complainant. In general she appeared to be a reluctant witness, claiming that she "didn't want to have any part of this" and that she had been "forced to come testify."
21. AM gave evidence that while R could be inappropriate with his language, using swear words on occasion, he never inappropriately touched her. She did recount one instance where he had made a sexual gesture and innuendo. She described the atmosphere at the store as "not that bad." This was supported by the fact that after her first period of employment with RM, which coincided with B's tenure, she had left that job and returned sometime later to work for them again.
22. AM stated that she never saw R sexually assault the Complainant but stated that they worked different hours so she was not often at the shop at the same time.
23. Finally, there was a disturbing admission by AM during cross-examination when she was asked by Mr. Horseman if she had been offered money to come testify; her response was as follows:

*R. Horseman: And, did you advise them that B or someone had offered you money to come testify?*

*AM: No, I said I was forced to come testify.*

*R. Horseman: So you didn't mention anything about money?*

*AM: No. They had brought up how much apparently they were trying to get and I said at first when I saw B about two or three weeks ago she had said "you know if I was willing to talk then it is a possibility that I get a piece" it was not a guarantee, but that is not why I am here to get money, that has nothing to do with it.*

*R. Horseman: So she did offer you a piece of the action (so to speak) if you came here to testify?*

*AM: Possibly, not guaranteed.*

24. The above interaction and her statements about being “forced to testify” and her evidence overall was not helpful for the Complainant.
25. The next person to give evidence was MC. Although he had provided a witness statement for the Respondents, he had been served with a witness summons by the Claimant, he was allowed to give evidence next with all parties consent.
26. In summary, what the Tribunal took from MC’s evidence was proof that the working environment at the SDV store was one where all employees and R often participated in jokes and banter amongst themselves. This was also evident in MC’s witness statement.
27. MC’s evidence was that generally he and the Complainant would joke or banter back and forth and the Complainant often initiated the banter and that they would both laugh and enjoy themselves.
28. When the first audio recording was played for MC, it was identified as audio recording number 8. On said recording it is clear and was admitted that the voices heard are R, B and MC. What is also clear from that recording is that R can be heard calling B “honey” and B can be heard laughing at one point after MC says something like ‘she just wants to get thrust again.’ Then R is heard saying something like “whoa girl, don’t knock me the fuck out.’
29. Clearly this supports the evidence that the SDV store was an environment where employees and even customers felt free to openly joke and ‘banter’ in an apparent atmosphere of enjoyment and often times with coarse language.
30. The next to give evidence was the Complainant, B. B began by giving her evidence of the provenance of the audio recordings and the alleged circumstances and events being recorded.
31. According to B, the audio recording identified as number 8 was late one evening in February 2016 when she had just finished counting her money in the accounts office and she was attempting to leave down a narrow hallway when she was blocked by R and MC. At this time, she ‘bumped and pushed them both’ out of the way.
32. Regarding the second recording, identified as number 7, B said it was a recording of the same evening with the same people ‘carrying on’ and her ‘bumping

them out of the way' again.

33. In general, the Tribunal found both recordings very brief and hard to hear clearly who was speaking. We did however make the determination assisted by the admissions of MC that in recording number 8, the voices heard were those of MC, R and the Complainant. In recording number 7, it was harder to hear anything clearly but there were definitely some swear words and laughter. Recording number 7 was not played for MC but was played for R.
34. Moving on to her cross-examination, B gave evidence that the area where she worked as a cashier was very small and that R would often bump into her while she worked, adding that "Sometimes it is not intentional and sometimes it is intentional."
35. B stated that when R would bump into her, she would tell him to "fuck off."
36. She stated that she was the last cashier to work in the day and that at closing time she would go to the office to count her till. B alleged that while in the office, R would massage her hair and shoulders. In her Particulars of Claim, B claimed this happened "most every other night" while in her cross-examination she alleged that it happened "at least" three times. She attributed this inconsistency to being emotional when she submitted her Particulars of Complaint.
37. B was also questioned about the fact that in September 2015 she was called into a meeting with HDR and HR and warned about speaking to customers inappropriately. She claims that her behaviour towards customers was never inappropriate but simply friendly in that she often called customers things like "darling." Mr. Horseman made the point that even though she stated that the harassment by R had already begun at this point, she admittedly never raised the issue with HDR or HR in that meeting or at any point thereafter.
38. B was also disciplined in February 2016 for excessive absenteeism. This was admitted by B and evidenced by a letter from HDR on behalf of RM to B dated 4 February 2016. B did not dispute that she had taken the leave recorded in the letter but contended that it was due to the fact that she had suffered an injury prior to her beginning employment with RM while in service with the Bermuda Regiment. She stated that she disclosed this to her employer and advised them of her need for frequent doctor visits.
39. The letter from 4 February 2016 informed Ms. Burrows that as a result of her excessive absences from work, her probation period was being extended for a further 3 months in the hopes that her attendance record would improve.
40. Mr. Horsemen then asked B if she had then called in sick on both February and 6<sup>th</sup> 5<sup>th</sup> after receiving that letter to which B replied, "possibly."



41. B was also questioned about a grocery credit she had accrued with the store in the amount of approximately \$500. B gave evidence that she was told by R in February 2016 that unless she paid it back, it would be deducted from her salary. B alleged that R had suggested that she could provide sexual favours to R in lieu of payment of this credit.
42. When Mr. Horseman suggested that her real motivation was simply due to her being mad about her pay being deducted, B then alleged that her working hours were reduced when she refused R's advances and that was what really made her mad.
43. Finally, B gave evidence that on February 12<sup>th</sup>, she went to the store, returned her uniforms and told R that "[she] would be the last black bitch he would do this too."
44. In regards to the atmosphere or environment, B gave evidence that the SDV store was "a type of job where people can express themselves without getting penalized" and where they all "joked around." At one point she stated that "everybody speaks good of each other, cracks jokes, flirts, that was just the norm of the gas station." She also admitted to having a "flirtatious personality."
45. B alleged that R also made sexual propositions towards her and tried to touch her breast and vagina although she admitted that this did not take place in front of anyone. Therefore, it is her word against R's who vehemently denied these accusations.
46. During her evidence, the matter of a journal that B kept which purported to contain notes of her "encounters with R" was also raised. It was mentioned in her Particulars of Complaint and in her oral evidence but was never produced. The parties made submissions over its discoverability and it was agreed between the parties that the journal would not be produced. While this obviously did not help the Complainant's case, it was agreed between the parties and the Tribunal consented that no adverse inference would be drawn from it not being put into evidence.
47. In general, what the Tribunal took from B's evidence was that the SDV store was a place where joking and banter between employees, R and even customers was commonplace and acceptable and occasionally included flirtatious and coarse banter. B accepted that she could not prove that R had sexually assaulted her but that she could prove that he allowed his staff to harass her and that he harassed her himself.
48. The next person to give evidence was AdM. She had been hired in November 2015 as a part-time cashier at the store. Her hours were from approximately 8:30am to 4:30pm.

49. AdM gave evidence that most of the time that she was working, B was not there and that it was only during the last 10 minutes or so of her shift that she would interact with B.
50. After this brief interaction, she would then retire to the office to count her till. She stated that R would come in to check on her there from time to time but she did not claim that he touched her inappropriately.
51. AdM was pressed on what she observed at the store and stated that she did observe R "touching off" B.
52. When Mr. Horseman questioned why B did not report the touching and sexual harassment, AdM intimated that although it was a "toxic environment" at the store she and B needed to "earn their keep" as they had children and nothing else to "fall back on."
53. Overall, the Tribunal found AdM to be a credible witness.
54. R gave his evidence next and denied all of the allegations of inappropriate touching or sexual advances. He did however admit that MC and B would engage in name calling and would "tease each other."
55. R claimed that B enjoyed it and "went along with it" and took that to mean that she wasn't made uncomfortable by this "banter."
56. From his evidence, it appeared that while R claimed that he did not "condone bad behaviour" in his shop, he did at least overlook or excuse and even participated in behaviour that may be considered inappropriate in a normal work environment.
57. The evidence of HR, HDR, JR, and AS all supported R's denial of any inappropriate touching or sexual advances by R. The Tribunal had no reason to question any of these witnesses' credibility although B's attorney argued that naturally these witnesses would be predisposed to support R's assertions or versions of events as they are all friends or family members.
58. Both H and HDR gave evidence that they attended the shop virtually every evening with HDR's daughter and while they were rarely there past closing time, they never observed any inappropriate behaviour by R.
59. HDR, had conduct of the payroll and general human resources management of the company and the shop.
60. In contrast, both HDR and HR gave evidence of B's inappropriate behaviour while at the shop including flirting behaviour with customers and confirmed that they had a meeting with B about this behaviour which was accepted by



B.

61. Each of HDR, HR, JR and AS also confirmed that they observed “banter” between B and other employees, specifically MC. However, like R’s evidence, they considered this playful and joking and each said they did not believe that B was offended or uncomfortable in this environment but rather partook in the banter with aplomb.
62. Each of HDR, HR and JR gave evidence of the ease with which B enjoyed the environment, specifically pointing to her attendance at the company Christmas party which was supported by a photo of her at the event.
63. They all gave evidence that the shop was a place where this type of playful banter and joking went on between employees and customers alike.
64. The only other evidence given was by a former gas attendant, CP, who worked at the shop between September and October 2015. Like his time working at the shop, his evidence was brief although he did state that while he had observed R using swear words, he never heard him call B a bitch and never saw him touch her inappropriately.

### **Findings of Fact**

65. After hearing all of the evidence, the Tribunal makes the following findings of fact.
66. The SDV store was an environment where employees and even customers felt free to joke and ‘banter’ in an apparent atmosphere of enjoyment - joking and banter between employees, R and even customers was commonplace and acceptable and often included flirtatious and coarse language.
67. During her work there, the Complainant engaged in jokes and banter with at least R and MC and there is support for the fact that there was physical touching between R and B in the form of pushing and bumping although there is little evidence to support any touching that was sexual in nature or went beyond pushing and bumping.
68. It is evident that R did call B “honey” on at least one occasion and on the balance of probabilities, it was probably a frequent occurrence. However, it is also not disputed and is accepted by the Tribunal that B called customers similar things like “darling” and the like and that this was considered simply terms of friendly endearment between R, B, and other employees and customers.
69. It is clear from the evidence that all employees and even customers enjoyed an atmosphere of open banter and jokes that would be inappropriate in a traditional working environment. This behaviour is unique to this establishment as it is rare to walk into any work place and encounter such behaviour. It is also clear that the SDV

store was a place where, in B's own words, "everybody speaks good of each other, cracks jokes, flirts, that was just the norm of the gas station."

### **Legal Argument and Findings**

70. The Complainant has alleged:

- a. The Second Respondent discriminated against her by sexually harassing her in the workplace in contravention of section 9(1) of the Human Rights Act, 1981;
- b. The Respondents discriminated against her by not taking such action as is reasonably necessary to ensure that sexual harassment did not occur in the workplace, in contravention of section 9(3) and 9(4) of the Human Rights Act, 1981; and,
- c. The Second Respondent discriminated against her by harassing her in the workplace because of her sex in contravention of section 6B of the Human Rights Act, 1981 as read with section 2(2)(a)(ii) of the Human Rights Act, 1981.

71. The Complainant is seeking damages for financial loss and injury to feelings. The financial loss of the Complainant refers to a reduction in her work hours from late 2015 until her termination in February 2016 and her difficulty in finding replacement work after losing her job all of which she says was due to sexual harassment.

72. B advanced very little evidence of her claim of financial loss due to her difficulty in finding replacement work. Further, her evidence of a reduction of hours due to the alleged sexual harassment or rather, her reaction to it, was similarly minimal and was belied by the fact that a second cashier was hired at the time she says her work hours were reduced.

73. The Tribunal therefore finds that she has not met her evidential burden in relation to these claims and further, the Tribunal finds that she was terminated due to her excessive absenteeism.

74. We now turn to the Complainant's other allegations of discrimination. The relevant sections of the Act are as follows:

2(2) *For the purposes of this Act a person shall be deemed to discriminate against another person—*

*(a) if he treats him less favourably than he treats or would treat other persons generally or refuses or deliberately omits to enter into any contract or arrangement with him on the like terms and the like circumstances as in the case of other persons generally or deliberately treats him differently to other persons because—*

- (i) ...
- (ii) *of his sex or sexual orientation;*

- 6B (1) *No person who is an employee shall be harassed in the work place by the employer or agent of the employer or by another employee on the basis of any ground referred to in section 2(2)(a)(i) to (vii).*
- (2) *For the purposes of subsection (1) a person harasses another person if he persistently engages in comment or conduct towards that other person—*
- (a) *which is vexatious; and*
  - (b) *which he knows, or ought reasonably to know, is unwelcome.*

- 9 (1) *No person shall abuse any position of authority which he occupies in relation to any other person employed by him or by any concern which employs both of such persons, for the purpose of harassing that other person sexually.*
- (2) ...
- (3) *A person who is an employee has a right to freedom in his workplace from sexual harassment by his employer, or by an agent of his employer, or by a fellow employee, and an employer shall take such action as is reasonably necessary to ensure that sexual harassment does not occur in the workplace.*
- (4) *For the purposes of this section, a person harasses another sexually if he engages in sexual comment or sexual conduct towards that other which is vexatious and which he knows, or ought reasonably to know, is unwelcome.*

75. Having made the findings above, the question then for the Tribunal is whether the conduct of R in his words and actions as proven amounted to harassment of B based on the fact she is female.

76. Further, if there was deemed to be harassment by either R or any employee, the Tribunal must determine whether or not the employer took such action as reasonably necessary to ensure that such harassment did not take place or was stopped when reported or observed.

77. A crucial sub-question to those above is whether the behaviour towards B was such that either R or others who engaged in such conduct, such as MC, knew or ought reasonably to have known that it was unwelcome.

78. For assistance in answering these questions, the Respondent's counsel pointed us to the Bermuda case of *Harris v Thorne & Rice* [2006] BDA LR 61; specifically, counsel referred to the following excerpt from Justice Wade-Miller's judgment in that case, citing Harvey and Industrial Relations and Employment law as follows:

(a) *"A characteristic of harassment is that it undermines the victim's dignity at work and constitutes detriment on the grounds of sex; lack of intent is not a defence;*

(b) *The words or conduct must be unwelcome to the victim and is for her to decide what*



*is acceptable or offensive. The question is not what (objectively) the Tribunal would or would not find offensive;*

*(c) The tribunal should not carve up a course of conduct into individual incidents and measure the detriment from each; once unwelcomed sexual interest has been displayed, the victim may be bothered by further incidents, which, in a different context, would appear unobjectionable; and*

*(d) In deciding whether something is unwelcome there can be difficult factual questions for a Tribunal; some conduct (e.g. sexual touching) may be so clearly unwanted that the woman does not have to object to it expressly in advance. At the other end of the scale is conduct, which normally a person would be unduly sensitive to object to, but because it is for the individual to set the parameters, the question becomes whether that individual has made it clear that she finds that conduct unacceptable. Provided that that objection would be clear to a reasonable person, any repetition would generally constitute harassment."*

79. This excerpt was cited with approval in the Human Rights Commission judgment of *Dion Lightbourne v Fourways Limited and Peter Kovacs 2015* to which the Respondents' counsel referred.

80. In that case, citing the excerpt from Justice Wade-Miller above, the Commission noted at paragraph 40 of their judgment that "Mr. Kovacs, by standing in front of the Complainant and blocking her pathway, and shortly after, tapping her on the head, was guilty of minor unwelcome physical harassment. However, once this unwelcome conduct was directed to the Complainant's behind (by Mr. Kovacs flicking her behind with plastic bags on three occasions) then the harassment became inherently of a sexual nature that undermined the Complainant's dignity at her workplace."

81. The only undisputed evidence of harassment the Tribunal could find was the incident admitted to on recording #8 where MC stated that B wanted to "get thrust again." This was clearly unwelcome physical contact and MC's comment was a sexual statement.

82. The question therefore is whether that sexual comment was vexatious and did MC and R (as employer) know or should have known that it was unwelcome.

83. Clearly, following Justice Wade-Miller's judgment in *Harris* as cited with approval in the *Lightbourne* case, whether it was unwelcome is for B to decide but B must also make it clear that she found it unacceptable.

84. There is evidence that B made it clear at the time that she found this behaviour to be unwelcome or unacceptable.

85. It is obvious that the SDV store had an atmosphere of unfettered banter

and joking that was often of a sexual nature. The problem comes when that unfettered banter and joking is unwelcome and unacceptable to an employee. When B has to push past R and MC, both of them should have known that this behaviour was unwelcome and indeed, B made it known that it was unwelcome. However, while R was involved in the physical contact, it is not clear that he was the one who initiated it or that he was involved in sexual harassment. What is clear is that MC made it sexual through his comment and that R either implicitly supported such inappropriate sexual banter or at least did nothing about it. Further, MC's comment of "thrusting again" implies that this behaviour had occurred in the past and was repeated.

86. MC is not a party to this action. However, it is the responsibility of the employer to take such action as is reasonably necessary to ensure that sexual harassment did not occur in the workplace.
87. There was evidence that RM does not condone such behaviour and that they take such behaviour very seriously but there was no evidence of any formal training for any of its employees regarding sexual harassment.
88. In the only incident that could be proven, there is further evidence that the employer implicitly supported an employee sexually harassing another or that at the very least, the employer did nothing to stop it or discipline the employee involved.
89. RM clearly did not take the necessary steps to ensure that the workplace was free from sexual harassment and the employer is therefore in breach of Section 9(3) of the Act.

### **Damages**

90. The Tribunal accepts that the sexual harassment proven could not be described as serious.
91. Further, the Complainant has not proven any financial loss and therefore the only damages to be considered in this matter should be limited to injury to feelings.
92. In determining damages, counsel for the Complainant referred us to the leading case of *Vento v Chief Constable of West Yorkshire [2003] IRLR 102, CA* which was cited with approval in the *Lightbourne* case. At paragraph 65 of that judgment, the Court of Appeal outlined that:

*"Employment Tribunals and those who practise in them might find it helpful if this Court were to identify three broad bands of compensation for injury to feelings, as distinct from compensation for psychiatric or similar personal injury.*

*i) The top band should normally be between £15,000 and £25,000. Sums in this range should be awarded in the most serious cases, such as where there has been a lengthy*

*campaign of discriminatory harassment on the ground of sex or race. This case falls within that band. Only in the most exceptional case should an award of compensation for injury to feelings exceed £25,000.*

*ii) The middle band of between £5,000 and £15,000 should be used for serious cases, which do not merit an award in the highest band.*

*iii) Awards of between £500 and £5,000 are appropriate for less serious cases, such as where the act of discrimination is an isolated or one off occurrence. In general, awards of less than £500 are to be avoided altogether, as they risk being regarded as so low as not to be a proper recognition of injury to feelings."*

93. Counsel for the Complainant also correctly pointed out that following the formula in *Kelland v Lamer* [1988] Bda LR 69, the award figures should be doubled.

94. Considering all the circumstances, including that there was only one proven incident of sexual harassment that was not of a very serious nature, the Tribunal therefore makes an award of BD\$5,000 for injury to feelings to be paid by the Second Respondent. The Tribunal also orders that the Second Respondent must pay the Complainants costs in the amount of BD\$1,000.

95. Finally, the Tribunal also takes note of Section 20 of the Act that states that the Tribunal has the power to order any party who has contravened this Act to do any act or thing that, in the opinion of the tribunal, constitutes a full compliance with such provision. The Tribunal therefore orders that the First Respondent must create an employee handbook that contains a sexual harassment policy and complaint procedure, provide it to their employees and provide training to its employees on its implementation and correct conduct in the workplace. The Second Respondent and other managers of the First Respondent should also be provided training on how to deal with formal employee complaints of this nature. The Respondents should note that the Human Rights Commission can be a resource for them in the creation of such policies and procedures.

DATED this 22<sup>nd</sup> day of October 2018



JOHN HINDESS, CHAIRPERSON



CARLA GEORGE, PANEL MEMBER



JONATHAN YOUNG, PANEL MEMBER



SUPREME COURT BERMUDA

2018 OCT 23 AM 10:26

This judgment has been modified  
(anonymised) to ensure our compliance  
with the Human Rights Act, 1981. -  
Human Rights Commission (295.5859)  
(humanrights@gov.bm)