

MISUSE OF SUSPENSION LEADS TO HUMAN RIGHTS' ABUSE

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We live in turbulent times which provide a fertile environment for the erosion of rights in the workplace, violations of fundamental rights and freedoms and for authoritarian organisational cultures. It is not surprising to find increased levels of workplace surveillance and thus increased levels of employee stress and mental suffering. Managers become detectives searching for tell-tale signs of employee disloyalty and colleagues become (grudge) informers. Some organisations misuse suspension in order to force an employee's exit. Innocent employees become traumatised by spurious allegations used to trigger suspensions thereby forcing them to resign and to claim constructive dismissal. Health problems, long-term psychological injuries and even suicide attempts are common among the suspended employees. In the management's game of banishment from the workplace and forced exit, there is little regard for truth, fairness and the damage inflicted on one's career and personal life. Bullying vexatious allegations fill the suspended individuals with agony and despair; their rights to human dignity, non-discrimination and equal treatment, respect for personal and family life, health and fair working conditions are violated. Being subjected to such a human rights' abuse, individuals often find it difficult to raise legal claims and to cope with the burdens of litigation. They become numb and broken. Fear about an uncertain future and deep sadness about their imposed misfortune and the destruction of their career immobilise them and lead them to sign non-disclosure agreements offering compensation of a few months' salary. There are also cases of excessively long suspensions of two, three- and four-months' duration designed to inflict maximum damage on an employee as well as to evade the accountability of the perpetrator by making the suspension last longer than the deadline of three months for an employment tribunal claim. Such abuses of power leading to the abridgment of protected freedoms and human rights should not be tolerated in a civilised society. The 2011 United Nations Guiding Principles on Business and Human Rights stipulate states' duty to protect human rights, businesses' responsibility to respect human rights and victims' right to access an effective remedy when their human rights are breached. Public bodies, private organisations, the civil society and NGOs, groups and individuals all have a responsibility to prevent workplace-related human rights' abuse in the third decade of the 21st century.