

CN: sexual harassment in the workplace, sexual violence



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LEGAL DEFINITION OF SEXUAL HARASSMENT





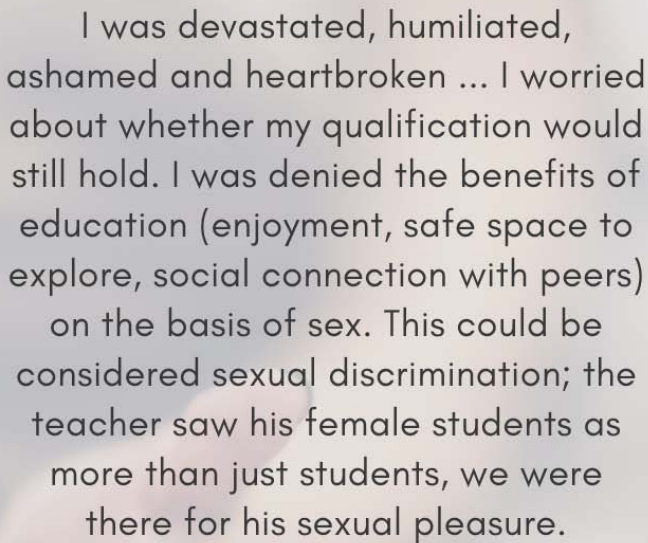

Under the Equality Act (2010), sexual harassment is defined as unwanted conduct of a sexual nature, which has the purpose or effect of either:

(a) violating the complainant's dignity; or

(b) creating a hostile, degrading, humiliating or offensive environment for the complainant



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I was devastated, humiliated, ashamed and heartbroken ... I worried about whether my qualification would still hold. I was denied the benefits of education (enjoyment, safe space to explore, social connection with peers) on the basis of sex. This could be considered sexual discrimination; the teacher saw his female students as more than just students, we were there for his sexual pleasure.

GILLIAN, Yoga Teacher



The situations which are most relevant for yoga teachers and students are:

- (a) where the victim is a worker and is harassed by their employer or a colleague;
- (b) where the victim is accessing services and is harassed by the provider;
- (c) where the victim is harassed by a membership association; and
- (d) where the victim is harassed by a trade organisation (i.e. an organisation which exists to allow members to carry out a trade or profession)


- *Adam Ohringer, Employment Barrister*



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The most important thing I have realised through becoming a yoga teacher myself is that it was his responsibility to not touch me sexually during meditation and savasana, not my responsibility to respond in a way that makes any sense. Although at the time I felt it had become a relationship of sorts, how could it ever have been when it began by such a predatory abuse of trust

ANONYMOUS, Yoga Teacher





Examples include:

Sexual comments
or jokes

Physical behaviour, including
unwanted sexual advances,
touching and various forms of
sexual assault

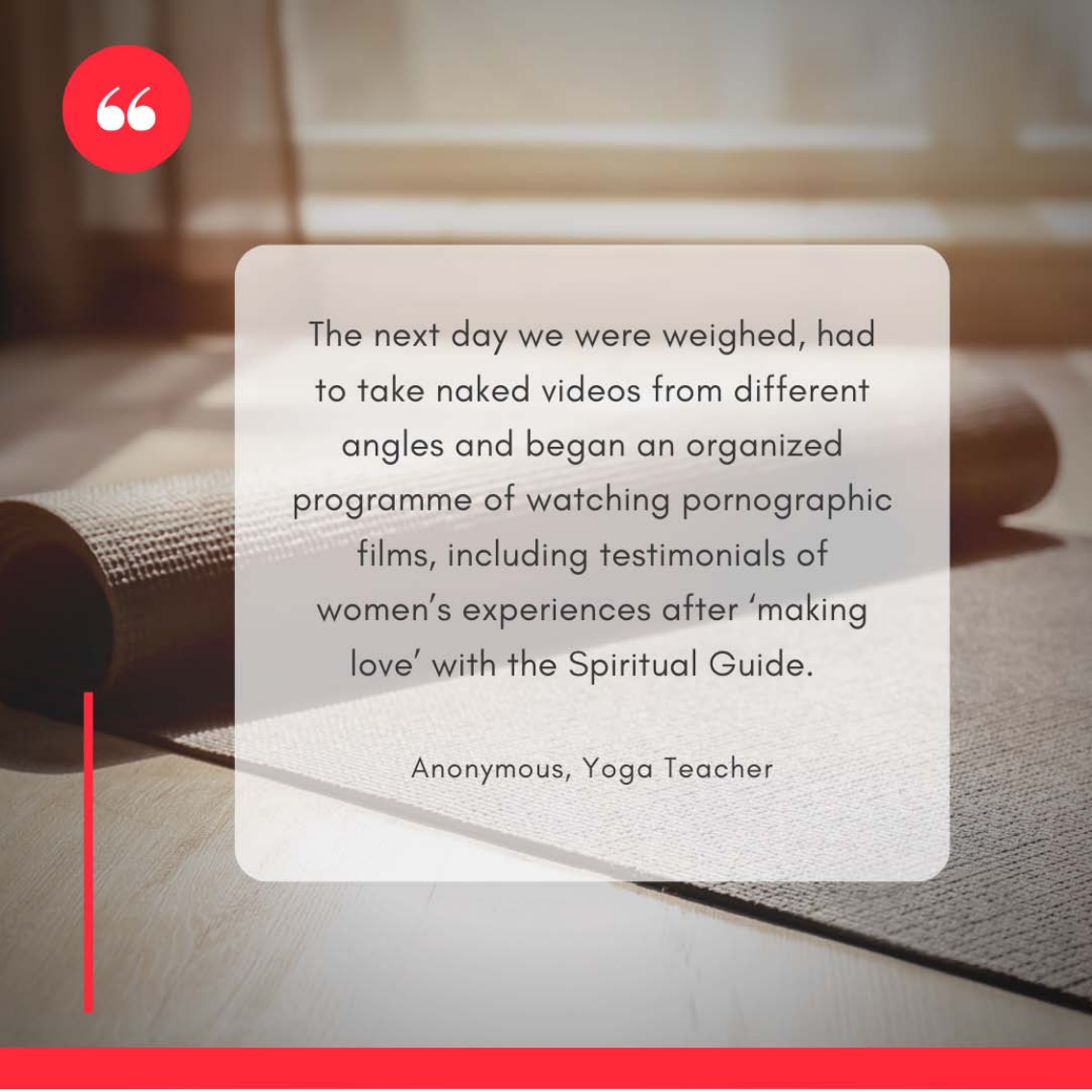
Displaying pictures,
photos or drawings of a
sexual nature, being
forced to watch porn

Revenge porn


Sending emails and
text messages with a
sexual content



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The next day we were weighed, had to take naked videos from different angles and began an organized programme of watching pornographic films, including testimonials of women's experiences after 'making love' with the Spiritual Guide.



Anonymous, Yoga Teacher

CN: sexual violence, abuse, torture



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COMMON LAW DUTY OF CARE AND ASSOCIATED LEGISLATION





Common Law Duty of Care

Duty of care refers to the circumstances and relationships which the law recognises as giving rise to a legal duty to take reasonable care.

A failure to take such care can result in the defendant being liable to pay damages to a party who is injured or suffers loss as a result of their breach of duty.*

*<https://www.e-lawresources.co.uk/Duty-of-care.php>



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As I entered into the journey of becoming a yoga teacher it became clear to me that as teachers we have a duty of care to our students. I left the organisation after realising that I could never recommend a student of mine to go there, because I didn't believe they would be safe.

In the 2 years that followed, as I began to understand the levels of abuse that had occurred within the school and that are still occurring, I became very aware that there was nowhere to go to report this and that I had no idea how to even begin to put an end to it. As it stands, anyone looking for yoga in my city could still be unknowingly recruited into a network of abuse.

- ANONYMOUS YOGA TEACHER





Health and Safety at Work Act 1974

The provisions of this Part shall have effect with a view to—

- (a) securing the health, safety and welfare of persons at work;
- (b) protecting persons other than persons at work against risks to health or safety arising out of or in connection with the activities of persons at work



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I was molested by a celebrity teacher at a Career and Personal Development (CPD) workshop. The adjustments were so hands on and invasive. My bum and breasts were groped and I wasn't given any opportunities to consent.

I felt lots of shame and didn't return to the rest of the weekend workshop, which I'd paid a lot of money for. At the time I thought it was because my body was too rigid, and I wasn't "open enough" for the practice. Looking back, I recognise that I was assaulted, and my response was a trauma response.

- ANONYMOUS YOGA TEACHER



Human Rights Act: Article 3 Prohibition of Torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Torture occurs when someone deliberately causes very serious and cruel suffering (physical or mental) to another person.

Inhuman treatment or punishment is treatment which causes intense physical or mental suffering

Degrading treatment means treatment that is extremely humiliating and undignified.

<https://www.equalityhumanrights.com/en/human-rights-act/article-3>

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I sat, semi-naked, in a single bedroom with 3 other women for 2 days; eating expired food (we were told it was bad karma to throw food away) and watching movies. I had no idea what time it was apart from when there was sunlight coming through the edges of the blackout curtains.

I did not feel that any of what I saw was the behaviour of a so called 'enlightened master'. Yet the stakes were high (if i hadn't gone through with it I could have been shunned by the whole community, I was told my spiritual progress was contingent on this) and my cognitive dissonance was strong. The sexual initiation was cold, coercive, and left me feeling depressed and very confused.

- ANONYMOUS YOGA TEACHER



Why is the Common Law Duty of Care and Associated Legislation Important for Gig Economy Workers?

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Even within a largely unregulated gig economy there ARE laws in place to protect people from harm and abuse.

- Adam Ohringer, Employment Barrister

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LEGAL
Q&A WITH
ADAM OHRINGER,
BARRISTER



Legal Q & A Specific to the Equality Act and Sexual Harassment

Q. As teachers, what is our responsibility?

A. If we allow a sexually degrading environment to develop in our class - we may be complicit in any harassment that is taking place.

Q. What happens if a teacher is harassed by a student?

A. The teacher has the right to bar the student from attending class.

Q. Who would the claim be against - perpetrator and/or venue?

A. Claim is against perpetrator but the venue is also liable unless they've shown that they've taken reasonable steps to safeguard/protect.



Legal Q & A

Q. What about historical cases?

A. In terms of the Equality Act - as a worker or member of a trade organisation - a complaint against the centre of trade or trade organisation needs to be made within 3 months;

As a customer or client or member of a membership association - usual deadline is 6 months.

Dependent on specific circumstances, but often can be extended for cases of sexual abuse even if it happened many years ago.

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