

Equality Commission

FOR NORTHERN IRELAND

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Press Release

## Teacher Wins Discrimination Case

A Protestant teacher who challenged her selection for redundancy on the grounds of religious belief has won her case at the Fair Employment Tribunal and been awarded £8,250.

Julie Brudell took her case with the support of the Equality Commission against the Board of Governors of Ballykelly Primary School, Co Londonderry and the Western Education and Library Board (the Respondents), following her selection for redundancy in 2009.

Though she was subsequently offered a post in the school's nursery unit, where she still works, the Tribunal has stated "*she did lose her P3 teaching post which she clearly enjoyed . . . and the whole process led to her feeling devalued.*"

The Tribunal made a declaration that Ms Brudell "*suffered an act of discrimination on the ground of religious belief.*"

In a finding issued on 30 June 2010 they stated that she "*received the treatment she did because of her religion, or at the very least, to the extent that the respondents' motives could be said to be mixed, her religion was an important factor in the respondents' decision-making process. The fact that the respondents acted with good intentions in the interests of the school does not provide them with a defence.*"



Ms. Brudell says, “I am very glad that this has been resolved and that the tribunal has found that my selection for redundancy was unlawful discrimination on the grounds of religious belief. The redundancy decision caused me a good deal of distress and I thank the Equality Commission for assisting me in successfully challenging it, and for the support of the Ulster Teacher’s Union at what was a very difficult time. “

Ballykelly PS is a controlled school with pupils from both Protestant and Roman Catholic sections of the community and at the time of the redundancy decision the majority of the pupils were Catholic. Five of the fifteen teachers in the school were Catholic and none of these was among the four teachers selected for redundancy. The Tribunal, in reviewing the evidence given, states “*it is clear that there was an awareness that the Roman Catholic pupils now outnumbered the Protestant ones, that the school had lost so many children already, and ‘would lose even more depending on who was made redundant’.*”

The redundancy selection criteria as finally adopted by the school’s Board of Governors stated that “*staffing would be reduced in line with ‘last in first out’ taking account of the needs of the school which the governors deemed to be in order of priority*”.

The third item on the prioritised list read “*School ethos – ie staffing in line with the religious mix of the pupil*”.

The Tribunal said they were satisfied that this amounted to direct discrimination. They also made a finding of indirect discrimination on grounds of religious belief. The Tribunal refers to the Respondents’ case that, in reaching their decision on who should be made redundant, the Governors focused on the ability to teach Roman Catholic RE. Roman Catholic teachers had always taught Roman Catholic RE in the past. The Tribunal found that they did not pay sufficient regard to teachers’ qualifications to teach RE because there was an assumption that those Roman Catholic teachers were not just the persons qualified to teach it, but also on the basis that they were the appropriate persons to teach it. The Tribunal states “*There was a concern about the reaction of Catholic parents and a fear that they would vote with their feet and take their children elsewhere.*”

Eileen Lavery, the Equality Commission's Head of Strategic Enforcement, explained, "This decision highlights the important fact that the Fair Employment and Treatment Order applies to all aspects of the employment of teachers in schools, other than their recruitment. It is unlawful to discriminate on grounds of religious belief or political opinion in such matters as selection for redundancy as well as in all other decisions affecting teachers within the school. This is something which schools' management, Boards of Governors and advisors must bear in mind when decisions are being taken involving the employment of teachers in all respects other than recruitment."

The Tribunal recognised that the school's Board of Governors "*were led into error by their perception that fair employment legislation did not apply to the process in which they were involved.*" The decision states "*their over-riding interest was to protect and secure the school's future viability.*"

*ENDS*

## **Note**

### **1. Fair Employment and Teaching.**

Legislation outlawing religious discrimination in employment has been in place since 1976. This protection did not extend to teachers. The exemption of teachers was narrowed in 2003 to recruitment matters only. Selection of a teacher for redundancy on grounds of religion is unlawful.

**2.** The Tribunal's decision will be available on the website of the Office of the Industrial tribunals and the Fair Employment Tribunal at [www.employmenttribunalsni.co.uk](http://www.employmenttribunalsni.co.uk)