

The finding by the Tribunal, referred to in this press release, that Mr. Sheil had also been unfairly dismissed was appealed and was referred back to the Industrial Tribunal by the Court of Appeal. In a finding of 9 April 2015 a second Industrial Tribunal, considering only the unfair dismissal part of the complaint dismissed the Unfair Dismissal complaint. This does not affect the finding by the original tribunal that Mr. Sheil was subject to harassment at work on grounds of his sexual orientation; or the award made for that finding of unlawful discrimination. See [update](#)

13 May 2014

Press release

Award of £45,000 for Belfast docker, victim of harassment and unfairly dismissed

The Industrial Tribunal has found that 51 year old Belfast docker Martin Sheil, was the victim of discrimination and harassment at work on the grounds of his sexual orientation and that he was unfairly dismissed by his employer, Stena Line Irish Sea Ferries Ltd.

Setting out a total award of £45,000 to Mr. Sheil, £37,500 for his unfair dismissal and £7,500 for harassment at work, the Tribunal stated that “the flaws in the investigatory and disciplinary procedure render the dismissal substantively unfair” and that the company had “adopted a far too passive approach to unpleasant banter”.



The Equality Commission supported Mr. Sheil’s case and has welcomed the ruling.

Dr Michael Wardlow, Chief Commissioner of the Equality Commission, said: “All harassment at work is very difficult for the person who is targeted by it. This case shows the terrible impact on an individual who faced daily abuse at work because of his sexual orientation. The Tribunal said that, although the company had policies in place that were designed and intended to discourage such behaviour, they received no evidence that they took active steps to prevent it. They decided, in light of that, that Mr. Sheil was subjected to unlawful harassment on the grounds of sexual orientation. That posts a warning to all employers that they must take active steps to ensure that their policies against harassment and discrimination are known, understood and practiced by their entire workforce. The size of the overall award reflects the seriousness of these issues for employers and employees.”

The Tribunal found that Mr. Sheil was subjected to comments which amounted to harassment on grounds of sexual orientation over a period of weeks or months. They heard evidence that there was continuous talk and banter amongst his colleagues about Mr. Sheil's sexuality and remarks were made directly to him or indirectly about him in front of other people, for example on the minibus into work.

Commenting on the decision today, Mr. Sheil said: "This has been a difficult period in my life. My job at Stena was very important to me and I worked hard to keep my private life and work life separate. I endured months of abuse in silence. The reason I took this case was to try and make sure that others don't have to go through this. I am relieved this process is over and that the Tribunal has ruled on the kind of the harassment I suffered. I have experienced a rough couple of years and I am now looking forward to a fresh start and just getting on with my life."

The Tribunal also upheld Mr. Sheil's complaint that he had been unfairly dismissed, following an incident involving Mr. Sheil and another member of staff who had been taking part in the homophobic abuse.

The Tribunal found that Stena's disciplinary hearing was flawed in that the company did not investigate Mr. Sheil's allegations of derogatory remarks about his sexuality and subsequently did not consider whether his allegations constituted mitigating circumstances. It was critical of the company's focus on the incident and not on the events that led up to it. The Tribunal said: "We consider this to be a serious defect in the disciplinary process which goes to whether the allegation against the claimant was properly investigated...in our view the flaws in the investigatory and disciplinary procedure render the dismissal substantively unfair."

Dr Wardlow added: "Everyone in the workplace – management and staff – must be aware that one person's banter is another person's abuse. The company has a duty to protect all staff and to require them to keep verbal abuse out of the workplace."

The panel considered that Mr. Sheil had contributed partly to his own dismissal by deciding to take action on the abuse himself, rather than reporting it to management. Because of this, his award was reduced by 10%. There was also a 20% reduction to reflect the panel's estimate of the chances of Mr. Sheil being dismissed fairly.

ENDS

Note to Editors:

- The Tribunal's [Decision](#) in the case (ref: 434/13IT) can be viewed here, and its [Remedies Ruling](#) is also available.

- Stena Line is appealing the decision and the case is listed for hearing in September 2014.