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## PRESS RELEASE

### **£20,000 Tribunal Award in Fair Employment Case**

The Fair Employment Tribunal has found that a woman who worked for Stevenson & Reid Ltd, Belfast, was discriminated against, harassed and victimised on the grounds of her religious belief or political opinion and constructively unfairly dismissed. Helen Scott (52) was awarded £20,736 compensation. The Equality Commission supported her case.

Ms Scott worked as a sales manager for the bathroom, plumbing and heating supplies firm in its Prince Regent Road branch. The company's workforce is predominantly Protestant, and at the time of the events described, Ms Scott was the only Catholic employee in the East Belfast showroom. Ms Scott had worked for the respondent from 1 August 2011 until 21 August 2015, when she resigned.

The discrimination and harassment started after an incident on 31 July 2015 when her line manager, who was a director, found out that he was to attend a meeting in her place. He shouted and swore at her in front of her colleagues and, as part of the outburst, shouted 'Tiocfaidh ar lá' into her face, in what Ms Scott found a menacing manner. Ms Scott said she was stunned and embarrassed by the use of that phrase in front of other members of staff and she was anxious and upset about the incident over the following days. She believed the phrase was directed at her because of her religious background and perceived political opinion with the intention of causing her offence.

In its decision the Tribunal found that the phrase 'has a clear sectarian significance' and that 'the ground for using the phrase 'Tiocfaidh ar lá' was the claimant's religion or political opinion'. The Tribunal said 'This can only be a threat and is somewhat menacing given that the claimant was the only Catholic working in the showroom.' The line manager chose to use a phrase with an obvious and acknowledged sectarian significance.

The Tribunal said it was clear that the behaviour of her line manager towards Ms Scott in a public area before colleagues was 'unwanted and had the effect, if not the purpose, of violating the claimant's dignity as well as creating an intimidating, hostile, degrading, humiliating and offensive environment' for her. The panel concluded 'that

the ground for the offensive treatment of the claimant ...was her religion or political opinion' and that her line manager was therefore guilty of harassment.

Ms Scott made a formal complaint on 3 August 2015 and the Tribunal described this as the 'protected act'. The Tribunal noted that the respondents initiated an investigation into customer complaints against Ms Scott after she raised her grievance. The Tribunal noted that none of these complaints being investigated were contemporaneous; they related to events at least between six and 12 months old. It noted that 'no attempt was made to gather the details and evaluate the complaints so that an investigation would be fair for the person to be investigated'. The Tribunal concluded that 'the reason for the initiation of an investigation process was the claimant's doing of the protected act'.

Ms Scott went on sick leave on 12 August 2015. A recorded delivery letter for sick absence without notification, accusing her of breaking her contract, was sent while the company knew a medical certificate was en route. The Tribunal was 'persuaded, on the balance of probabilities, that the issuing of the recorded delivery letter asserting that the claimant was in breach of her contract of employment relates to the grievance raised' by Ms Scott.

The Tribunal found that the investigation, along with the treatment she subsequently received during her sick leave, constituted victimisation.

The Tribunal said: 'This created an atmosphere in which the trust and confidence between the employer and employee was irreparably damaged', with the letter sent on her sick leave amounting to the 'last straw'. For this reason, it found that the principal reason for Ms Scott's resignation was the breach of the implied term of trust and confidence. The Tribunal found that Ms Scott had suffered an unfair constructive dismissal.

Helen Scott said after the decision: "I'm very relieved that this is all over, it has been an extremely stressful time for me and my family. The shock of being singled out for sectarian abuse in front of colleagues was incredibly intimidating. I was deeply hurt and upset at the way I had been treated and it had a really negative impact on my confidence and self-esteem. It was the company's duty to protect me from harassment in the workplace, and yet when I raised a complaint, it was anything but protective and instead victimised me for having done so. It was intent on terminating my employment one way or the other and also on ruining my reputation in the process. In the end I decided that I could not simply let this go and so I lodged this claim with the Tribunal. Another deciding factor was that I wanted to try and ensure that Stevenson & Reid did not subject anyone else to the treatment I has afforded to me and that its practices would be brought under scrutiny.

“I have another job now which I’m enjoying and I am beginning to put this episode behind me. I am extremely grateful to the Commission for its support, it has meant a lot to me.”

Dr Michael Wardlow, Chief Commissioner of the Equality Commission, said: “In this decision, the Fair Employment Tribunal has acknowledged the serious effects sectarian harassment can have on individuals and workplaces. This incident of shouting a phrase with a ‘clear sectarian significance’ should have been dealt with properly at the time. Victimisation after a protected act, in this case raising concerns about an incident of harassment, showed a serious deficit in knowledge and understanding on behalf of the company at the most senior level.

“This employer had no written equal opportunities policy. The Commission has clear and specific guidance for employers on how to create and maintain a good and harmonious workplace. This means a working environment and atmosphere in which no worker feels under threat or intimidated because of his or her religious belief or political opinion.”

*Notes:*

- The Tribunal decision is available [online](#) (*pdf*)
- Guide: [Promoting a Good and Harmonious Working Environment](#) (*pdf*)