

Caroline Byers, Michelle Malcomson & Laura Beggs v 1. Department of Finance & Personnel, 2. John Wilkinson

Sex discrimination proceedings brought in the Industrial Tribunal which settled on 27 January 2015.

Summary

The Claimants are all women who are employed at the Land and Property Services.

The Claimants alleged that they had been subjected to unlawful discrimination by the Respondents. The Claimants had each previously issued sex discrimination proceedings against the Respondents.

In June 2014 the case brought by Ms Byers and Ms Malcomson were heard before the Industrial Tribunal. Ms Beggs gave evidence at the Tribunal hearing.

In August 2014 the Chief Executive, John Wilkinson, was retiring. The three Claimants were excluded from a function to make his retirement. The invitations to this event were sent by way of email and it would have been apparent to their colleagues that they had not been invited. The Claimants were the only members of Land and Property Services at their grade not to be invited. One of the Claimant's became aware of the event when she was asked by another member of staff if she was attending. The Claimants raised the matter with management. A manager confirmed by email that the reason Mr Wilkinson had omitted to invite them was:-

“...for your own protection because you have all recently issued Industrial Tribunal proceedings and he felt that it would be in the best interests of all parties for you not to attend his retirement party.”

Mr Wilkinson had also said that if any of the Claimants particularly wanted to attend, he would issue an invitation. The Claimants later received an invitation to the event by email from the Director of Business Services. This email did not contain any reference to their previous exclusion or an apology. They did not attend the event.

The Claimants felt very humiliated and extremely upset by their exclusion from the invitation list. They felt that this was a particularly public humiliation and that they were being punished for bringing cases. The Claimants were very concerned that no other members of staff who had given evidence at the Tribunal were excluded from the invitation and that the actions by the Chief Executive made them feel unwelcome and isolated in the workplace. The Claimants were disappointed that no prior consultation took place with them and that the Chief Executive should have used this occasion to make them feel welcome and set the tone for other employees to treat the Claimants in an appropriate manner.

The Claimants issued proceedings in the Tribunal alleging victimisation.

The First named Respondent (Department of Finance & Personnel) agreed to pay to each Claimant £5,000. Land and Property Services regretted any distress or upset suffered by the Claimants arising out of the incident which is the subject of these proceedings. The present Chief Executive has instituted a Review of Relationship Issues Affecting the Legal Services Team in the Registration Directorate to seek to address inter alia matters arising in respect of this incident. This review was being conducted by an independent third party. Land and Property Services agreed to seek to remedy any deficiencies in its structures and procedures identified in this review. The Land and Property Services affirmed its commitment to the principle of equality of opportunity and in particular the protection afforded by the legislation in relation to victimisation. It undertook to liaise with the Equality Commission for Northern Ireland in respect of advice relating to its policies, practices and procedures to ensure that they are effective and conform with all requirements of the equality legislation and with all relevant Codes of Practice.