

Edele Donnelly v Mario Vocella

Sex and race discrimination proceedings brought in the Industrial Tribunal which settled on 11 November 2015.

Summary

The Claimant is a woman from Northern Ireland. She describes having children of mixed race.

The Claimant worked part time as a waitress in Cafolla's Hot Food Bar in Armagh which was owned by the Respondent from October 2014 until the 27 April 2015 when she resigned.

The Claimant complained about an incident which she alleged took place on the 4 April 2015. She alleged that a senior member of staff commented that Cafolla's used to be alright until "foreigners" started working there and that all foreigners should be put on a bus and sent back home. The Claimant alleged that this comment was made in front of a member of staff who was not from Northern Ireland. The Claimant found the comment offensive. She alleged that the senior staff member knew the Claimant's children were mixed race. The Claimant alleged that the other staff member who was not from Northern Ireland was also very upset about the comment. The Claimant and this staff member agreed that they would both complain to the Respondent.

The Claimant telephoned the Respondent and told him of the incident. She alleged that he told her he would investigate the matter and that she was not to get involved as this was the senior staff member's way of getting rid of the staff member who was not from Northern Ireland.

The Claimant alleged that several days later the Respondent told her that the senior member of staff had admitted making the comment but she said it was a joke but that she would not apologise and he could not make her do so. The Claimant was very unhappy with the Respondent's reaction to her complaint.

The Claimant alleged that the senior staff member began to unfairly criticise her and blame her for mistakes which she was not responsible for. The Claimant believed that she was being treated this way because she had made the complaint about the alleged racist comment. The Claimant told the senior staff member that she felt this was the reason her work was being criticised. The Claimant alleged that the senior staff member threatened her that if she ever alleged that she had made a racist comment, a solicitors letter would be sent to her. The Claimant alleged that she told her that if a racist comment was made again she would contact the Respondent.

The Claimant alleged that the atmosphere in work became very bad and her work was constantly criticised. She alleged that she told the Respondent about the way she was being treated but he did nothing to help her.

The Claimant also alleged unlawful sex discrimination in relation to allocation of night time shifts. She alleged that she was unaware of the need to work night shifts when she was recruited to the post and the imposition of night shift work caused her significant problems as she is a single parent.

The Claimant resigned from her job on the 27 April 2015. She believed that after she had complained about the alleged racist comment she was isolated in the workplace and felt uncomfortable at work.

The Respondent agreed to pay the Claimant £3,500. The Respondent made no admission of liability. The Respondent affirmed their commitment to the principle of equality of opportunity and to ensuring that their policies, practices and procedures conform in all respects with the Race Relations (NI) Order 1997 & Sex Discrimination (NI) Order 1976 (as amended). The Respondent undertook to meet with Equality Commission to review its harassment policies and equal opportunities policies, practices and procedures to ensure same comply in all respects with its obligations under current National and European equality law, and the relevant codes of practice, and in particular those issued under the Race Relations (NI) Order 1997 and Sex Discrimination (NI) Order 1976 (as amended). The Respondent agreed to consider all reasonable recommendations made by the Commission including amendment of policies and procedures and the training of staff.