

## **Brona Fegan v Peter Mark**

Sex discrimination proceedings brought in the Industrial Tribunal which settled on 1 May 2015.

### **Summary**

The Claimant was employed by the Respondent in Belfast from 2008.

In 2014 she became pregnant. She alleged that the treatment she received prior to her commencing sick leave amounted to discrimination on the grounds of her sex.

The Claimant alleged that after she attended pregnancy related medical appointments, which necessitated her having some time out of her working day, the Respondent told her that she was not allowed to take her full lunch breaks. The Claimant sought advice and explained to the Respondent that she was entitled to her lunch breaks.

The Claimant's GP recommended that she reduce her hours and gave a letter to her confirming this. The Claimant wished to work 32 hours instead of 40 the hours per week. The Claimant alleged that the Respondent were not happy to grant her request and said that the GP should specify the amount of hours that she could work. However, whilst her request was granted, the Claimant felt that the Respondent had made her position as difficult as they could. For example, the Claimant alleged that she was asked to work a 12 hour shift and had difficulty securing breaks.

The Claimant alleged that the Respondent also advised her that because her working hours were reduced she would not be able to attend the graduation process to fully qualify as a hairdresser unless she got a letter from her GP stating that she was fully fit to return to full time hours. Graduation was the final part of training needed to be regarded as a fully qualified hairdresser with the Respondent. The Claimant sought advice from the Citizens Advice Bureau (CAB) who wrote to the Respondent about their treatment of the Claimant in relation to this training.

The Claimant alleged that the Respondent were very unhappy when they received the letter from the CAB and she was called into the office. The Claimant felt intimidated by the treatment she received at this meeting. She alleged that she tried to explain to the Respondent that she would be able to complete this training in her part time hours. After bringing a grievance the Respondent did advise her she could complete the training in her part time hours. However, by this stage the Claimant felt that her pregnancy was too advanced and she was stressed by the difficulties she had experienced at work.

The Claimant commenced sick leave and did not return to work.

The Respondent agreed to pay the Claimant £4,000. The Respondent made no admission of liability. The Respondent regretted any upset caused to the Claimant.

The Respondent agreed to provide the Claimant with a reference. 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 Sex Discrimination (NI) Order 1976. The Respondent undertook to meet with the 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 law, and the relevant codes of practice, and in particular those issued under the 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.