

Miss A v A Retail Outlet & Supervisor

Sexual harassment proceedings which settled in the Industrial Tribunal on 29 April 2015.

Summary

The Claimant commenced employment with the Respondent in December 2012 as a Catering Assistant. She alleged that her male supervisor frequently touched her without consent when witnesses were not present. She alleged that she told him that his behaviour was unwanted. The Claimant felt uncomfortable, anxious and frightened. For example the Claimant alleged that her supervisor would regularly slap or smack her bottom, often he would grab or pinch at it. She told him to stop however, she alleged that he usually said something like "it's only natural I'm just a man" then laugh and walk away.

The Claimant further alleged that her supervisor made derogatory remarks about the physical attributes of female customers and other staff. She alleged that these comments were almost always followed by him slapping the Claimant's bottom, or staring at her breasts.

The Claimant alleged that her supervisor would grab her waist and wrap his arms around her hips. This happened several times. She also alleged that he would lift an item of cutlery and say "bend over and I'll slap your bum". The Claimant alleged that on one occasion her supervisor told her that she was the "sexiest woman in the world, but only from here" as he slapped her bottom. She also alleged that he had a habit of pulling her bra-straps as he walked past.

On another occasion during the summer the Claimant recalls it was a Sunday, just before her supervisor was due to go on holiday, the Claimant was working alone at the dishes. She alleged that he came in, grabbed at her hips, and pressed himself against her. He said "can I do something - just one thing - give me something to remind me of you when I'm on holidays". Then, she alleged that he held her by the waist and pushed his face close to hers for a kiss. The Claimant pulled away from him. She was very shaken and upset by this incident.

The Claimant alleged that she particularly dreaded working Sunday shifts because there was usually only one other person working behind the counter. On several occasions, the Claimant was so nervous about going to work on Sunday that her parents came with her and sat in the cafe the whole day while she was working.

The Claimant alleged that in August 2014 she spoke to her male line manager about the alleged sexual harassment. The manager told her that he was carrying out his own investigation. He told her not to speak to anyone else about her complaint because it would jeopardise this investigation. The Claimant provided the manager with a written statement. However, as no action appeared to be taken the Claimant later confided in a

female manager who referred the matter to Human Resources who had been unaware of her previous complaint.

An investigation was carried out but the Claimant's grievance was not upheld. Her supervisor maintained that his treatment of her was meant to be taken as a joke and that he was only being friendly.

The Claimant alleged that she was deeply affected by what had occurred. She felt that she had no option other than to take sick leave. She did not return to work after this.

In settling the case the First named Respondent agreed to pay the Claimant, £17,500 without admission of liability. The First named Respondent agreed to provide a reference to the Claimant, on headed paper, and further agreed that it will not deviate from the terms of the agreed reference when responding to any employment reference enquiries received directly from prospective employers, whether received by writing or verbally. The first named Respondent affirmed its commitment to the principle of equality of opportunity in employment and to ensuring that its practices and procedures comply in all respects with its obligations under national and European equality law and the relevant codes of practice and guidance. The First named Respondent also reaffirmed its commitment to safeguarding the rights of all its staff and customers, irrespective of gender, religious belief, political opinion, race, disability and sexual orientation. The First named Respondent agreed and undertook to liaise with the Commission to review its policies and procedures. The first named Respondent agreed to consider such reasonable recommendations as the Commission may make as far as practicably possible and within a reasonable timescale.