

Anne Marie Mullin v Countrywide PLC

Sex discrimination proceedings brought in the Industrial Tribunal which settled on 21 December 2015.

Summary

The Claimant was a mother of three children. She had been employed by the Respondent from November 2005 as a Chartered Surveyor. She was the only female Surveyor employed by the Respondent.

The Claimant lived in Limavady and was required to attend appointments at properties within a large area covering Ballymena, Carnlough, Portglenone, Magherafelt, Maghera, Derry, Limavady, Coleraine, Kilrea, Ballymoney, Ballycastle, Portstewart, Portrush, Bushmills, Cookstown, Coagh. She carried out surveys providing reports to lending institutions.

The Claimant was paid according to a points system which required her to complete 22 points per week. She alleged that she travelled on average 1750 miles per month between appointments and spent approximately 3.5 hours travelling per day in order to meet her 22 point target.

On 5 October 2009 a 4 day working week was introduced by the Respondent across Northern Ireland with employees contracted to work 30 hours per week, Tuesday to Friday 9am to 5.30pm with one hour for lunch and such additional hours as may be required to meet the needs of the company. The Claimant alleged that this clause was used by the company to impose a requirement that she work more than her contracted hours. She alleged that she consistently worked an additional 2.5 hours per day and up to 6 hours extra per day to complete the work and meet the 22 point target. The Respondent did not pay overtime or provide time in lieu.

The Claimant alleged that as the mother of three young children she believed that the provision "*such additional hours*" is an indirectly discriminatory provision.

In March 2015, prior to returning from maternity leave, she applied for flexible working requesting a reduction from 30 hours per week to 22.5 hours per week and requesting that her workload be arranged geographically to reduce travel time. She stated that she could not commit to additional hours after 5.30pm but would work through her lunch break to assist the Respondent.

This request was refused by the Respondent in April 2015 on the basis that it would have a detrimental effect on the company's ability to meet customer demand, and in particular the Respondent's requirement to turnaround valuation reports within 24 hours. The Respondent proposed a couple of revised work patterns at reduced points on a trial basis. However the Claimant felt that she had no option other than to refuse these on the basis that it did not facilitate her flexible working request to work defined hours to

allow for child care arrangements and parental responsibilities and the reduction in points did not make it a practical or meaningful trial within the terms of her application. The Respondent did not remove the requirement to work additional hours.

The Claimant alleged that work pressures detrimentally affected her health. She eventually left the Respondent's employment in December 2015.

The case was settled with the assistance of the Labour relations agency. All matters were settled between the parties including a payment to the Claimant by the Respondent with no admission of liability. The Respondent agreed to provide a reference for the Claimant upon request from a prospective employer. The Respondent confirmed its continued commitment to equality of opportunity and voluntarily agreed to review its policies practices and procedures with the Equality Commission.