

Ruth Parks v Noonan Services Group Ltd

Sex discrimination proceedings brought in the Industrial Tribunal which settled on 25 September 2015.

Summary

The Claimant was employed by the Respondent as a Financial Accountant.

The Claimant informed the Respondent in September 2012 that she intended to commence maternity leave in January 2013. In preparation for her maternity leave her duties were reallocated to others and her work redistributed. In December 2012 prior to going on maternity leave the Claimant alleged she was advised by the Respondent that her job was safe and she would not be made redundant. The Claimant's child was born in January 2013.

The Claimant was due to return to work in October 2013. However, she took her annual leave in October and November 2013. The Claimant was then certified as unfit to work and she remained on sick leave until the end of March 2014.

In March 2014 the Claimant was advised by the Respondent that her job was at risk of redundancy and that they had restructured whilst she was on maternity leave. The Claimant was advised that a large portion of her work had been re-assigned to Dublin. The Claimant returned to work with minimal duties to undertake. Her name had been removed from the finance organisation chart. The Claimant discovered that two new accountants had been appointed in January 2014 and believed that some of her duties had been allocated to them.

The Claimant also alleged that she was denied access to a computer drive which contained the finance files which were generally available to all finance staff and also denied access to another computer drive which contained more confidential files. The Claimant alleged that she had to ask other members of staff to access files she needed to work on and that she felt humiliated and embarrassed in front of her co-workers.

The Claimant submitted a grievance to the Respondent in March 2014 but was advised in May 2014 that her grievance was dismissed. The Claimant appealed against the dismissal of her grievance and attended a grievance appeal meeting in July 2014. This grievance appeal was also dismissed.

The Claimant attended redundancy consultation meetings in April, June and July 2014. She was advised on the 29 July 2014 that her redundancy was effective from the 30 July 2014.

The Claimant appealed that selection for redundancy and an appeal hearing took place in August 2014. However, her appeal was dismissed.

The Claimant believed that there was a pre-determination by the Respondents to terminate her employment and that there was not a genuine redundancy situation within the company. She was not offered alternative working arrangements or suitable alternative employment. The Claimant believed that the Respondent wanted to dismiss her because she had been on maternity leave.

The Respondent agreed to pay to the Claimant £ 50,000. The Respondent regretted if the Claimant suffered any distress and upset by reason of the circumstances of her selection for redundancy and apologized for that injury to her feelings. The Respondent affirmed its commitment to the principle of equality of opportunity in employment. The Respondent undertook to meet with the Equality Commission to review its policies, practices and procedures relating to pregnancy and maternity to ensure they are effective and conform with the requirements of the Sex Discrimination (NI) Order 1976 as amended and relevant codes of practice. The Respondent agreed to take steps with the Engineering Employers' Federation (EEF), to implement any reasonable recommendations the Commission may make to include the training of those involved in the processes of selection of employees for redundancy during the periods protected by pregnancy or maternity leave. The Respondent recognized that during her employment the Claimant was a valued member of the company and agreed to provide a reference on company headed notepaper in the terms agreed. Furthermore it agreed that should direct contact be made by prospective employers, all information provided by the Respondent would be in accordance with the reference.