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PRESS RELEASE

Tribunal Ruling on Age Discrimination Case

An industrial tribunal has ruled that a Cookstown woman, who was dismissed from her job after successfully taking an age discrimination case against her employer, was unlawfully victimized and unfairly dismissed.

Anna Stirrup, who worked for Ufuoma Obahor at Summers Dry Cleaners in Cookstown, took both her age discrimination case last year and her victimization claim this year with the help of the Equality Commission.



The Tribunal found that Mrs Stirrup was unfairly dismissed by Ufuoma Obahor and that the dismissal amounted to victimization because she had previously taken an age discrimination complaint against him. They awarded her a total of £24,147.56.

Mrs Stirrup had been working for Mr Obahor for three years when she brought a complaint of age discrimination to an Industrial Tribunal in 2010. That Tribunal found that Mr. Obahor had harassed her by making hurtful and unwanted remarks about her age and awarded her £5,867.17.

The Tribunal believed that the timeline of events leading up to the claimant being disciplined and then dismissed is instructive. The hearing of that original complaint took place from 19 -21 April 2010 and Mrs Stirrup was dismissed by Mr. Obahor on 4 June 2010. Mrs Stirrup appealed against her dismissal, then the Tribunal's decision on the

original case was issued on 24 June 2010 and Mr. Obahor informed Mrs Stirrup of the rejection of her appeal against his decision on 2 July 2010.

Mr. Obahor said that he had dismissed Mrs Stirrup in June 2010 for gross misconduct, and the Tribunal in this case has held that “*the allegations were ill-founded*”. Of the reasons given for dismissing her it says they were ‘*flimsy, to say the least*’, that she had done ‘*nothing which would justify the ultimate sanction of dismissal*’.

The Tribunal concluded “*Taking account of the timing of the allegations of misconduct against the claimant, the fact that we believe those allegations were ill-founded ..., the actual conduct of the disciplinary proceedings and their outcome, we believe that the core reason for the claimant’s dismissal was the fact that she had brought an age discrimination claim against the respondent.*”

Anna Stirrup said, “I have worked since I was seventeen and this was the first time I had ever been even suspended. I found the entire experience very distressing. I am really thankful it’s at an end and in these two decisions the Tribunal have accepted the truthfulness of my evidence and recognized that I have always been a hardworking and conscientious employee.”

Anne McKernan, Director of Legal Services at the Equality Commission, said, “The Tribunal in this case has made a clear finding that Mrs Stirrup was victimized because she had previously taken an age discrimination case against her employer. A person who complains of discrimination is entitled to be treated no differently than they would have been had they not complained, and the Equality Commission is determined to give practical effect to that important legal safeguard. To that end we have assisted a number of complainants who found themselves subjected to unfair treatment after raising complaints of discrimination.”

NOTES

The Tribunal awarded Mrs. Stirrup compensation in the following terms

Unfair Dismissal - £13,153.80

Injury to Feelings for victimization - £10,000

Interest on victimization award - £928.76

Unlawful deduction of wages - £65

At present, the law in Northern Ireland protects people against age discrimination only in the areas of employment and training. The Equality Commission is recommending reform of the law to cover other areas such as access to goods, facilities and services.