



30 July 2013

PRESS RELEASE

Tribunal decision in religious discrimination case

The Fair Employment Tribunal has found that a Newtownabbey printing and merchandising firm unlawfully discriminated against a Belfast man on grounds of religious belief and constructively and unfairly dismissed him.

The Tribunal awarded £15,618 compensation to Gavin Connolly who, assisted by the Equality Commission, complained that he was discriminated against by his employers Dermot McMullan and Pauline McMullan, trading as Oakdene Services, who were members of the Brethren community.

Gavin Connolly is a 30 year old Newtownabbey man who joined Oakdene Services in August 2010 and worked in sales and marketing. Throughout his employment he believed that employees who were members of the Brethren community were treated more favourably. Mr. Connolly was shocked to be told in June 2012 that he had been selected for possible redundancy and, following an unsuccessful grievance procedure and a period of sick leave, he resigned his post in August 2012.

The Tribunal held that Mr. Connolly's selection for redundancy in June 2012 was an act of religious discrimination and also that that decision, together with the way his grievance procedure was handled, amounted to constructive and unfair dismissal.



The Tribunal also held that during his employment Mr. Connolly had been subjected to religious discrimination through Brethren employees being given better treatment in the provision of “tangible” benefits such as company cars, pay rises and mobile phones; and also through “intangible” issues such as Brethren employees going on separate lunch breaks, having out-of hours meetings on company premises and receiving motivational emails not sent to other staff.

In reaching their decision the Tribunal said: “it is clear to us that there was very much a culture of ‘sheep and goats’. We were left with the clear impression from the respondent’s witnesses that they saw it as desirable and preferable to be Brethren and, by implication, undesirable not to be Brethren.”

Gavin Connolly said after the Tribunal’s decision: “I’m just glad the process is over and I can get on with my life. It has been a very stressful time but ultimately what matters to me is the recognition that I was treated unfairly at work. They have stated that my treatment and my selection for redundancy was religious discrimination. No-one should experience the distress and hurt of unfair treatment because of differences in religious beliefs. I would not have had the funds or the knowledge to take my case to Tribunal without the Equality Commission, and I’m grateful to them for advice and support.”

Anne McKernan, Director of Legal Services in the Equality Commission, said: “This case does not challenge the right of anyone, employer or employee, to hold any religious belief. It does, however, emphasize how important it is for employers to ensure that no employee should feel that people who share a particular religious belief are favoured above others in the workplace; or that they themselves are being in any way excluded because they do not subscribe to that belief.”

Read the full Fair Employment Tribunal decision [online](#)

ENDS

Notes to editors

The [Fair Employment Code of Practice](#) specifies that employers have a duty to ‘promote a good and harmonious working environment and atmosphere in which no worker feels under threat or intimidated because of his or her religious belief...’

The Tribunal in its judgement in this case stated: “care must be taken by an employer to ensure that anything conducted on business premises, however benign, does not lead to a feeling amongst one section of the workforce that they are being excluded or isolated”.