

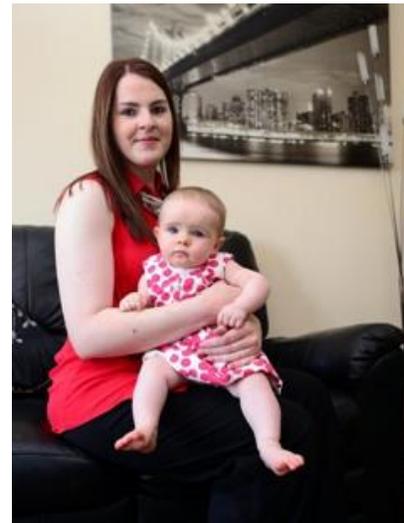
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PRESS RELEASE

Bakery assistant awarded £23,000 in sex discrimination case

A former bakery assistant with the firm of Melting Moments in Fermanagh has been awarded £7,500 for injury to her feelings and £15,788 compensation for loss of earnings by a Tribunal which found she was subjected to sex discrimination because of pregnancy and unfairly dismissed.

Nicola McNamee, who was assisted by the Equality Commission, began working in the bakery in February 2013 but was dismissed just a few months later on 11 April. In their decision the Tribunal said it was “satisfied that the reason for [her] dismissal was that she had become pregnant.” It also said it was “not persuaded that the dismissal of the claimant related to her conduct or competence or performance”.



Nicola McNamee with daughter Melissa Rose

Speaking about the case Nicola said: “I was delighted when I got the job and believed that it would be long-term. I was told it would take about 6 months to get me up to speed with the job. Around the end of March I found out I was pregnant and I spoke to one of the owners at the start of April and told her about it. She suggested that I think about whether it was best for me to continue working or if I’d be better off leaving. I didn’t want to leave, I was happy to work and I was devastated when I was dismissed a week later. I am glad the Tribunal has found in my favour and now I just want to get on with my life with my little daughter.”

Dr. Michael Wardlow, Chief Commissioner of the Equality Commission said that the laws governing pregnancy and maternity issues in the workplace are essential to protect the rights and support the needs of women in the workplace.

“As a society, we need to ensure that women who become pregnant don’t lose their employment and that they can resume their careers after their maternity leave without discrimination,” Dr. Wardlow said. “The Equality Commission still receives more complaints about pregnancy discrimination in the workplace than about any other form of gender discrimination.”

“We also carry out a lot of work with employers, providing advice and guidance about the regulations governing pregnancy and maternity, work/life balance and flexible working. We find that most employers want to know what the law requires and how they can make sure they are providing fair treatment and equality for all their workers. Employers can find that offering flexible working arrangements opens up a wider pool of talent for posts and increases the commitment and loyalty of staff who benefit from it.”

[Watch video of Nicola telling her story>](#)

NOTES

- The full decision of the tribunal in this case is [available online](#) (pdf)
- The Equality Commission provides advice and assists discrimination cases across six protected areas. Sex discrimination remains one of the most stubbornly persistent areas of complaint, topped only by disability discrimination complaints.
- The single biggest area of complaint under sex discrimination law is with regard to pregnancy discrimination. Women have alleged less favourable treatment because of pregnancy at all stages of employment – from recruitment and promotion in the workforce, through terms and conditions, to unfair selection for redundancy or dismissals.
- Although an employee with less than 12 months continuous employment cannot usually bring a claim of unfair dismissal, this is not the case where the reason is related to pregnancy. As the Tribunal stated in this case: “An employee with less than 12 months continuous employment, who is dismissed, shall be regarded as unfairly dismissed if the reason, or if more than one, the principle reason for the dismissal or the circumstances in which the dismissal takes place relate to the employee’s pregnancy, childbirth or maternity”.