



14 November 2019

PRESS RELEASE

Polish chef wins racial discrimination case at Tribunal

A Polish man who has won his case of racial discrimination and harassment at work spoke today about the tribunal decision and his experience.

Damian Anysz said: “I enjoyed my work at Sizzlers initially. It was going well for the first six months, and then one day I offered help to a co-worker, June Fullerton, and she told me (very rudely) I should go back to my own country. Over the next few months, she kept up the abuse – all because she didn’t like that I am Polish and came here to work and live. There were also incidents like spilling things, deliberately bumping into me and closing my arm in the fridge door. There was a very bad atmosphere in work, a lot of whispering behind my back and I did think about resigning.

“Although I complained to management, nothing was done and in fact I wasn’t believed until a local member of staff confirmed that what I said was right.”

Damian Anysz worked as a commis chef at Sizzlers Restaurant in Magherafelt from November 2016 to 15 July 2018. Sizzlers is now insolvent; Mr Anysz has found other employment. He took his case with the assistance of the Equality Commission.

In November 2017 Ms Fullerton was suspended on full pay and was invited to a formal disciplinary meeting about the swearing incident. She was reinstated on 21 December and returned to work with no notice or explanation to Mr Anysz. The tribunal said it was satisfied that the failure of management to act appropriately was ‘not an omission, but part of a deliberate course of action, resulting in the behaviour continuing, albeit in a less overt form.’

Mr Anysz said in evidence to the Tribunal that he had never received a copy of his contract of employment, despite repeated requests, and he also reported poor workplace relations.

Damian Anysz said: “The final straw was when I came back to work after our wedding in Poland in June 2018 and my colleagues were not speaking to me at all. I felt that the only reason I was being treated this way because I am Polish. I resigned in July 2018 because of the whole string of events, the bad language, the jostling

and unpleasant incidents in the kitchen and the different treatment of me compared to the local staff. And through it all, I felt I was regarded as the problem.

“It was hard having to talk about all this to the tribunal. I am very glad it is all over and that I had the help of the Equality Commission.”

Mr Anysz has been awarded just over £15,000 by the Industrial Tribunal, £14,000 of which is for injury to feelings.

Dr Michael Wardlow, Chief Commissioner of the Equality Commission, said:
“Damian came to Northern Ireland to work and he was prepared to work hard. As the Tribunal found, he was subjected to demeaning and undermining abuse and a whispering campaign aimed at isolating him from his colleagues. ‘What once had been an environment in which he felt welcome and valued became one where he felt that he was at the mercy of the mood of another member of staff. That situation was permitted and compounded by the respondents, by failing to address and resolve the original misconduct by Ms Fullerton, thereby enabling her to repeat and escalate her treatment of him.’

“This case underlines yet again the importance of the good and harmonious workplace, the need for managers to actively manage staff behaviour, and having policies in place to deal with any problems. These policies need to be communicated to all staff, so that they know what’s acceptable in work, and what’s not. And managers must be thorough, equal and even-handed in their handling of complaints, investigating fairly and communicating equally with all parties.

ENDS

Notes

[Download the full decision including settlement \(pdf\)](#) For convenience, paras 85, 86 and 87:

The tribunal found:

‘The abuse to which he was subjected was demeaning and undermining, and included a clear whispering campaign by one member of staff to isolate him from his colleagues. What once had been an environment in which he felt welcome and valued became one where he felt that he was at the mercy of the mood of another member of staff. That situation was permitted and compounded by the respondents, by failing to address and resolve the original misconduct by Ms Fullerton, thereby enabled her to repeat and escalate her treatment of the claimant, leaving him reasonably and genuinely to feel that he was regarded as the problem...’

‘The tribunal concludes however that the prevailing circumstances, namely a failing business and a lack of experience in dealing with such matters cannot offset or

excuse the respondents' failure to deal in an appropriate way to stop and ensure no repetition of the genuine distress suffered by the claimant. The tribunal therefore considers that £14,000.00 is the appropriate sum to be paid by the respondents to the claimant for his injury to feelings.'

'The tribunal is satisfied that the equivalent of four weeks' pay, namely a total of £1,204.88, is the appropriate remedy for the respondents' failure to provide him with a written statement of his terms and conditions.'