

EFB Mock Tribunal with Lewis Silkin, 3rd November 2009

Overview

1 Introduction

The Mock Tribunal heard a case presented by Claimant Miss Freda Bannister (Miss B) and Respondent Suitably Dressed Limited (SDL).

2 Grounds of Complaint

2.1 Background

- The Claimant Ms B, a life long member of the Bodleian Faith was required to devote 12 hours each weekend to church based community work. Also, the faith required the wearing of a visible turquoise gemstone. Miss B is a Deputy Manager at the Oxford Street Branch of SDL.
- The Respondent SDL is a chain of ladies' suits shops.
- Following a serious accident, Miss B embraced her faith as away of returning to good health.

2.2 Discrimination on the grounds of Religion and Belief

- Miss B used to work Tuesdays to Saturdays
- The Store Manager worked Sundays to Thursdays
- On return to work Miss B informed the Store Manager she was no longer able to work Saturdays due to the requirement for her to do 12 hours community work at the weekend
- Miss B confirmed she was available and willing to work 5 days during the week.
- Miss B was still expected to work Saturdays
- Miss B failed to attend work for 3 consecutive Saturdays and upon arrival at work on the Mondays was sent home with pay deducted from her salary.
- The disciplinary process was followed in respect of the breach of the dress code due to wearing a large turquoise brooch
- A heated verbal exchange took place between the two individuals on the third Monday and Miss B was required to attend a disciplinary meeting that week regarding both dress code and attendance

2.3 The Claimant Claims

- Miss B claimed discrimination on grounds of her religion because:
 - She needed time off at the weekend to fulfil her religious duties
 - The dress code did not have a legitimate claim
 - Also, that she had been unlawfully harassed

3 Grounds of Resistance

3.1 Background

- The working arrangements both the Manager and Deputy Manager to work at the weekend in order to fulfil management duties.
- Unauthorized absence is addressed on the Company Handbook
- The dress code was clear
- Miss B has worked the hours of a Deputy Manager since 2006

3.1 The incidents that followed Miss B's return to work

- These were reviewed by the Mock Tribunal

4 The agreed list of issues were:

- **Indirect discrimination by being required to work on Saturdays**
- **Indirect discrimination through enforcement of the dress code**
- **Unlawful harassment**

5 Witness Statement

- Miss B presented her case.

6 Witness Statement

- The Store Manager presented her case.

7 Witness Statement

- The Regional Manager presented her case focused on the interactions she had had with the Store Manager regarding Miss B, her finding as decision maker at the disciplinary hearing and the decision to give Miss B a trial written warning.

8 Proceedings

- The Mock Tribunal were given information on the Bodleian Faith, Company Absence Policy, Miss B's contract of Employment, the letters to Miss B and witness statements.

9. The decision

The audience found for the respondent
The Mock Tribunal Judge and Panel members found for the Claimant

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Who would you find for?

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