

Employment E-Brief No. 100

For further
information contact:

Judith Ellery

jellery@metcalfes.co.uk

0117 9453080

Paul Seath

pseath@metcalfes.co.uk

0117 9453084

FIRST SUCCESSFUL CLAIM UNDER THE EMPLOYMENT EQUALITY (SEXUAL ORIENTATION) REGULATIONS 2003

£34,345 has recently been awarded to an employee who was forced to resign after being subjected to five months of taunts relating to his homosexuality. The claim was brought under the new Sexual Orientation Regulations.

The individual was nicknamed "Sebastian" in reference to a camp-sitcom character and was also referred to as "queen", "queer" and "dear". Senior managers in the company were responsible for much of the taunts and the directors even presented him with a pink lettered t-shirt at a conference in front of 60 colleagues and mocked him for ordering what they called "a poofy drink".

Other homosexual staff had complained in the past about the taunts but they had not stopped.

The case illustrates that derogatory language referring to an employee's sex, race, sexual orientation or disability cannot be dismissed as mere "office banter". Such language and taunts can lead to discrimination claims.

Good practice should be encouraged by employers to reduce the risk of such a claim. Handbooks and the behaviour of senior staff should make it clear to employees that derogatory language which is in any way discriminatory is unacceptable. Older hand books should be updated to refer to these new rules.

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