

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mr G McIntosh

AND

Sandwell MBC

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Birmingham

ON 19 to 22 February 2018

EMPLOYMENT JUDGE Hughes

MEMBERS: Mr P Deneen
Miss SP Outwin

Representation

For the Claimant: In person

For the Respondent: Mr P Starcevic, Counsel

JUDGMENT

The unanimous judgment of the tribunal is that:

1 The claimant's claims of racial harassment and victimisation are well – founded.

2 The claimant's claims of direct race discrimination are well-founded, with the exception of the claim concerning allocating him a different supervisor, which is not well-founded.

3 The respondent is ordered to pay compensation of £16,000 to the claimant in respect of injury to feelings.

4 The tribunal makes the following recommendations with the agreement of the parties:

4.1 Mr S Dawson is to be provided with equality and diversity training within 3 months of 22 February 2018.

4.2 Mr S Dawson should not be permitted to line manage the claimant ever as from 22 February 2018.

- 4.3 The respondent is to amend its policies to make it clear when suspension should occur in cases of gross misconduct and the circumstances in which the time limit to appeal a grievance may be extended. This is to be done within 6 months of 22 February 2018.
- 4.4 The respondent's senior managers (Grades H to J) are to undergo equality and diversity training on a rolling basis. This is to be completed within 12 months of 22 February 2018.
- 4.5 The written reasons for this Judgment are to be read by the respondent's senior management team including the Chief Executive Officer and any Councillors on the respondent's Cabinet with responsibility for personnel issues so that they can consider how best to move forward to ensure the errors made in this case are not repeated. This is to be done within 3 months of the written reasons being sent to the parties.
- 4.6 The respondent is to issue a written apology to the claimant within 3 months of 22 February 2018.
- 4.7 The respondent's Human Resources team are to issue guidance to managers regarding inappropriate communications (whether verbal or written) from Trade Union representatives, which is to specify that any such communications must be reported to The respondent's Human Resources team in order that the matter can be taken up with the union at a more senior level (e.g. regionally). This is to be done within 1 month of 22 February 2018.

Signed by _____ on 23 February 2018
Employment Judge Hughes