



EMPLOYMENT TRIBUNALS

Claimant: Ms K Ditchfield

Respondent: Network Rail Infrastructure Limited

HELD AT: Manchester

ON: 17-20 May 2021

BEFORE: Employment Judge Slater
Mrs S A Humphreys
Mr T Walker

REPRESENTATION:

Claimant: In person

Respondent: Ms S Chan, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The Tribunal does not have jurisdiction to consider the following complaints which were presented out of time and do not form part of a continuing act of discrimination with acts of discrimination continuing up to or shortly prior to 6 September 2018 and these claims are dismissed:
 - 1.1. The complaints of direct discrimination because of sex;
 - 1.2. The complaint of harassment about a comment that the claimant was not bad for the inferior sex;
 - 1.3. The complaint of harassment about being required to wear something under the high vis vest;
 - 1.4. The complaint of harassment about Mr Onorati saying “no offence but it’s not a woman’s job” about a specific fencing job.

2. The following complaints of harassment, of the type indicated, are well-founded:
- 2.1. Mr Lyons, Mr Mitchell and Mr Onorati making comments “get your tits out” (related to sex and of a sexual nature);
 - 2.2. Mr Onorati saying “you’ve never had a real man that’s why you’re a lesbian” (related to sexual orientation);
 - 2.3. Mr Onorati saying “wouldn’t mind them tits” (related to sex and of a sexual nature);
 - 2.4. Mr Onorati, Mr Lyons and Mr Mitchell telling the claimant who had the biggest penis in the yard (of a sexual nature);
 - 2.5. Mr Onorati asking the claimant (about someone else) if “I would lick her out” (related to sexual orientation and of a sexual nature).

Employment Judge Slater

Date: 20 May 2021

JUDGMENT SENT TO THE PARTIES ON

21 June 2021

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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