



EMPLOYMENT TRIBUNALS

Claimant: Mr C Stafford
Respondent: Public Urban Bars Ltd

Heard at: Liverpool **On:** 3, 4 and 6 May 2022

Before: Employment Judge Horne

Members: Ms F Crane
Mr A Wells

REPRESENTATION:

Claimant: In person
Respondent: Mr H Sood, counsel

JUDGMENT

This is the unanimous judgment of the tribunal:

1. The respondent harassed the claimant on 31 August 2020 in relation to sexual orientation, in that one of the respondent's employees made gestures of a sexual nature and asked the claimant if he wanted to participate in a sex act.
2. The respondent harassed the claimant on 4 September 2020 and 2 October 2020 in relation to sexual orientation, in that the same employee made limp-wristed gestures to the claimant. The tribunal did not determine whether or not those gestures were intentional, but did determine that the claimant reasonably perceived them to have the effect of violating his dignity.
3. The respondent did not harass the claimant on 9 October 2020, either by the conduct of that employee, or by the conduct of a member of the respondent's door staff.
4. The tribunal did not determine whether or not the respondent directly discriminated against the claimant on 31 August 2020, 4 September 2020, or 2 October 2020. This is because the alleged discrimination consisted of the same treatment that was found by the tribunal to have been acts of harassment. The alleged discrimination could not therefore have been a

detriment within the meaning of the Equality Act 2010 and the respondent could not have contravened section 39 of that Act by discriminating against the claimant.

5. The respondent did not directly discriminate against the claimant on 9 October 2020.
6. The respondent did not directly discriminate against the claimant in the way its Operations Director responded to the claimant's complaints.

Employment Judge Horne
Date: 11 May 2022

SENT TO THE PARTIES ON
13 May 2022

FOR THE TRIBUNAL OFFICE

Note – Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties. If written reasons are provided, they will be published on the tribunal's online register which is visible to internet searches.