

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondents

Torbay and South Devon NHS Foundation Trust (1)

Miss K. Chittock (2)

Held at: Exeter

Miss K. Joseph

On: 21-23 November 2022

Before: Employment Judge Smail Mrs V. Blake Mrs P. Skillin

AppearancesClaimant:Miss C. Ibbetson (Counsel)Respondent:Mrs S. Hornblower (Counsel)

JUDGMENT

1. The Second Respondent, for whom the First Respondent is vicariously liable, contrary to s.26 of the Equality Act 2010, on 2 February 2021 engaged in unwanted conduct related to race, which had the effect of creating an offensive environment for the Claimant, when saying in the Claimant's presence at work, referencing the Second Respondent's daughter, the following words or near identical words:

'She seems to think I was born yesterday ... she seems to think I was born on a banana boat'.

The Second Respondent did apologise very promptly on 2 February 2021 for her ignorance and the offence caused.

2. The First Respondent must pay the Claimant £2,000 for injury to feelings together with £289.32 interest.

3. The total of £2,289.32 must be paid within 14 days.

Full oral reasons were given at the hearing. If any party requires written reasons they must apply in writing within 14 days of this Judgment being sent to the parties.

Employment Judge Smail Date: 24 November 2022

Judgment sent to the parties: 29 November 2022

FOR THE TRIBUNAL OFFICE