



EMPLOYMENT TRIBUNALS

Claimant: Mr. B. Wotherspoon

Respondent: Altru Fundraising Limited

Heard at: Newcastle upon Tyne Employment Tribunal

On 31 March to 03 April 2025.

Before: Employment Judge T.R. Smith.

Representation

Claimant: Ms. Margetts (counsel)

Respondent: Mr. Cowley (consultant)

JUDGMENT

1.The complaint of harassment contrary to section 26 of the Equality Act 2010 was not presented within the applicable time limit, but it was just and equitable to extend the time limit.

2.At all material times in respect of the matters complained of herein the claimant was a worker for the purposes of the provisions of sections 230 (3) of the Employment Rights Act 1996 and/or section 83 (2)(a) Equality Act 2010.

3.The claimant's complaint of an unauthorised deduction from wages pursuant to section 23 of the Employment Rights Act 1996 was not well founded and is dismissed.

4.The claimant's complaint of victimisation contrary to section 27 of the Equality Act 2010 was not well founded and is dismissed.

5.The claimant's complaint of harassment, to the extent it is set out in the schedule hereto is well-founded. To the extent that other allegations of harassment do not appear in the schedule, they are dismissed.

6.When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. In accordance with section 38 of the Employment Act 2002 the respondent shall pay the claimant such sum as may be determined at a remedy hearing of not less than two weeks pay and if it is just and equitable up to 4 weeks pay.

Schedule

1.The GIF animation accompanied by the words" GAYYY on 15 November 2023.

2. The message from Callum Robinson "I am not homophobic. Got a gay colleague" to which he then added "I acc love Brody and "Tbf Kyle did ask if he could bum me" on 15 November 2023

3. The message from Fuhad Olaore "it's loving banter" and "I love Brody not like that though" on 15 November 2023

4. A message sent on 15 November 2023 by an unknown person which stated "hating faggot who should burn in hell"

5. A message sent on 15 November 2023 which said "since he's gay and going to grab him from behind and fuck him up the arse"

6 A message sent by Mr. Callum Robinson on 24 January 2024 "Oh no the bender is taking about a pipe"

7. On 24 January 2024 when Mr. Richard Ramano called the claimant a "faggot"

8.On 31 January 2024 when Mr. Williams said "You off your period yet? Gonna stop bitching and come in tomorrow"

Employment Judge T.R.Smith

Date 03 April 2025

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>