



EMPLOYMENT TRIBUNALS

Claimant: Ms Z Saiyed

Respondent: LHR Airports Ltd

Heard at: Reading **On:** 26, 27, 28, 29, 30 January,
2, 3, 4, 5, 6, 10 February 2026 (11, 12 February 2026 in Chambers)

Before: Employment Judge Shastri-Hurst, Mrs A Brown and Mr F Wright

Representation

Claimant: in person

Respondent: Ms Musgrave-Cohen (counsel)

RESERVED JUDGMENT

1. The claim of direct discrimination on the grounds of race is not well-founded and fails;
2. The claim of direct discrimination on the grounds of religion is not well-founded and fails;
3. The claim of harassment relating to race is not well-founded and fails;
4. The claim of harassment relating to religion is not well-founded and fails;
5. The claim of victimisation is not well-founded and fails.

REASONS

Note: The Tribunal is aware that the provision of this Judgment has been delayed for too long. The effect on the parties having to wait several months from the end of the hearing is not underestimated. The Tribunal apologises for the delay in promulgation of this Judgment. This was due to competing Judicial commitments, Tribunal workload, and Judicial leave.

Introduction

1. The claimant commenced work with the respondent as a Security Officer at Terminal 2 on 9 October 2023. Her employment ended on 23 April 2025, as a

result of long-term sickness absence. She is a Muslim woman and identifies with and associates with Palestinians, in her words she sees them as family; she says she is therefore perceived by many to be Palestinian.

2. The ACAS early conciliation process started on 30 December 2023, concluding on 11 January 2024. The claimant then presented her ET1 on 12 January 2024.
3. Following a number of case management hearings, a Final List of Issues was produced, detailing the following claims:
 - 3.1. Harassment related to race/religion – s26 Equality Act 2010 (“EqA”);
 - 3.2. Direct discrimination on the grounds of race/religion – s13 EqA;
 - 3.3. Victimisation – s27 EqA.
4. The legal heads of claim under ss13 and 26 relate to the same eleven factual allegations spanning from the time the grievance of 27 November 2023 was investigated through to February 2025, and are pleaded in the alternative.
5. In terms of the claimant’s victimisation claim, she says she did three protected acts:
 - 5.1. Making a complaint of discrimination to the Tribunal on 12 January 2024 (case number 3300526/2024);
 - 5.2. Lodging a second and third grievance;
 - 5.3. On 5 February 2025, asking for the grievance to be reopened.
6. As a result of these alleged protected acts, the claimant alleges that she was subjected to two acts of detriment.
7. The catalyst to the claims was an incident that occurred in Terminal 5 on 26 November 2023. The claimant was employed in Terminal 2, but sometimes it was necessary for Security Officers to work in other terminals due to the influx of passengers at a given time. On 26 November 2023, the claimant was assigned to Terminal 5. On that day, a fellow Security Officer, known in this claim as Person X (“PX”) approached her and confronted her about wearing her Palestinian flag badge at work. This incident of 26 November with PX in and of itself does not constitute an allegation of discrimination, harassment or victimisation.
8. The claimant submitted a grievance on 27 November 2023 about this confrontation. The initial grievance process involved Person Y (“PY”) as the Employee Relations Specialist (“ERS”). It is from this point onwards that the relationship between the claimant and the respondent deteriorated, at least in the claimant’s eyes. Her claim revolves around treatment she says she suffered from the entering of this first grievance onwards. The facts relating to this case end in around Spring 2025. Although this is around the time of the claimant’s termination of employment, the dismissal itself is not part of the allegations or indeed the factual framework involved in this case.
9. The respondent vehemently denied any unlawful conduct and defended the claims in full.

10. We had the benefit of the following documents

- 10.1. A Core Bundle of 1248 pages (referenced as [CB/X] for page X);
- 10.2. A Supplementary Bundle from the claimant of 369 pages (referenced as [SB/Y] for page Y) with separate index;
- 10.3. An agreed cast list;
- 10.4. An agreed Chronology;
- 10.5. A finalised List of Issues;
- 10.6. A Remedy Bundle (referenced as [RB/Z] for page Z);
- 10.7. A Witness Statement Bundle of 154 pages.

11. We also had access to six video/audio files:

- 11.1. "ZS Meeting with Head of EDI" – 43mins 55s – the parties agreed the Tribunal need not watch this;
- 11.2. "My working conditions and the neglect of my children" – 1min 48s – a short video taken by the claimant's husband, demonstrating the claimant working on this litigation at home, with one of her children present and seeking her attention – it was agreed we would watch this;
- 11.3. "Race Equality Matters Webinar" – 1hr 23mins – a recording of a Microsoft Teams meeting the claimant attended, which is the subject matter of **Issue 2.1.2** – it was agreed we would watch from 1hr 17min 20s to the end;
- 11.4. "Catch up regarding Buzz post – 20240624_123848-Meeting Recording" – 1hr 8mins 46s – this is an audio recording of a meeting on 24 June 2024 between the claimant, James Shea and Davinder Gill. That meeting is the subject of **Issue 2.1.8** - the parties proposed we listened to the following extracts: the first 5 minutes, minutes 35-40, and the final 5 minutes;
- 11.5. "T2 10 year Master" - 9mins 17s – this is a video celebrating the 10-year anniversary of Terminal 2 – we understand the relevance of this video is that it shows the claimant wearing her black and white hijab at 00.34s;
- 11.6. "Ramadan video 4K" - 1min 7s – this is the video which forms the basis of **Issue 2.1.11** - it was agreed that we would watch this video.

12. On the first day of the hearing, which the Tribunal took as a reading day, the Tribunal watched the above agreed videos and extracts.

13. As the hearing went on, and as set out within the recording of the relevant preliminary/interlocutory issues below, we were handed various other documents during the course of the hearing. We have labelled these as follows:

- 13.1. Appendix A – TikTok Shakeshuka video;
- 13.2. Appendix B – Instagram Shakeshuka video;
- 13.3. Appendix C – screenshot of comments on the Shakeshuka video on Instagram;
- 13.4. Appendix D – screenshot of a social media post regarding the

- claimant's upcoming Tribunal case, which we have labelled "the campaign post";
 - 13.5. Appendix E – screenshot of comments on the Shakeshuka video on TikTok;
 - 13.6. Appendix F – screenshots of the claimant's NHS app showing her prescriptions;
 - 13.7. Appendix G – the narrative comment to the Shakeshuka video on Instagram;
 - 13.8. Appendix H – transcript of the Shakeshuka video. We note that this should include a reference to the video jumping after the words "she got sacked in the same day".
14. More detail is given on these Appendices in the relevant section on preliminary/interlocutory issues below.
15. On the first morning of the hearing, which we took as a reading day and did not require the parties' attendance, we received the following documents from the respondent:
- 15.1. An Opening Note; and,
 - 15.2. An Administrative Note.
16. We read and heard evidence from the following individuals in support of the claimant:
- 16.1. The claimant herself;
 - 16.2. Fathy Abdelaziz (the claimant's husband, FA);
 - 16.3. James Vaughan-Spencer (JVS) – Unite Union Representative;
 - 16.4. Rippandeeep Singh Sehdev (RSS) – colleague – in the event, he did not attend to give evidence to the Tribunal;
 - 16.5. Nabil Abu Asal (NAA) – colleague;
 - 16.6. Aiysha Khan (AK) – colleague and family friend;
 - 16.7. Raziya Saiyed (RS) – claimant's mother.
17. For the respondents we had statements and oral evidence from the following individuals (roles at the time relevant to this case);
- 17.1. Fiona Hobbs (FH) – Head of Employee Relations;
 - 17.2. Person Y (PY) – Employee Relations Specialist regarding the claimant's 27 November 2023 grievance;
 - 17.3. James Shea (JS) – Head of Security – All Terminals;
 - 17.4. Chris Cox (CC) – Heathrow Communications/Content Manager;
 - 17.5. Anjali Jashani (AJ) - Enhance Call Moderator – Race Equality/Delivery Obligation Manager;
 - 17.6. Person Z (PZ) - Security Training Officer;
 - 17.7. Darren Skeates (DS) - Colleague Uniform Manager and grievance officer regarding the claimant's 27 November 2023 grievance;
 - 17.8. Vikki Bird (VB) - Corporate Investigations Manager;
 - 17.9. Hiren Rajgor (HRR) - Security Performance Lead;
 - 17.10. Tahmina Baraky (TB) - Security Manager for the Attendance Team.
18. The nomenclature given for paragraph numbers of witness statements before the Tribunal will be [AB/X], where AB are the witness' initials, and X is the

paragraph number. The claimant's witness statements will be referenced as [C1/X] and [C2/X].

19. Both sides provided us with written closing submissions and supplemented those submissions orally.
20. The claimant represented herself throughout this litigation. The Tribunal noted at the end of the hearing, and place on record now, that the claimant should rightly be proud of her achievement in seeing this litigation through. We do not underestimate the time, energy and strength it takes to bring and conduct litigation as a litigant in person: she has done this to the best of her ability and we thank her for the respect with which she has treated the process and the office of the Tribunal.
21. The respondent was represented by Ms Musgrave-Cohen of counsel. Our thanks also go to her for the professional, courteous, and forensic manner in which she has approached her presentation of the respondent's case on behalf of her client.

Timetable for the final hearing

22. The parties managed to stick to the timetable that had been proposed and agreed some time ago during case management. Unusually, we record the timetable we followed at this point, just for completeness and clarity.

Day 1 Monday 26 Jan	Tribunal reading – parties were not required to attend
Day 2 Tuesday 27 Jan	Parties attended to deal with the only preliminary matter of the claimant's application for witness orders The claimant's evidence started
Day 3 Wednesday 28 Jan	Evidence of the claimant's husband (FA) with Egyptian interpreter Continued with evidence of the claimant
Days 4 – 5 Thursday 29/ Friday 30 Jan	Continued with evidence of the claimant
Day 6 Monday 2 Feb	Evidence of the claimant's remaining witnesses (finished at 1130hrs)
Day 7 Tuesday 3 Feb	Rest day
Day 8 Wednesday 4 Feb	Respondent's evidence: FH, PY, JS

Day 9 Thursday 5 Feb	Respondent's evidence: JS, AJ, CC, PZ, DS
Day 10 Friday 6 Feb	Respondent's evidence: VB, HR, TB
Day 11 Monday 9 Feb	Rest day
Day 12 Tuesday 10 Feb	Submissions (1130 – 1515)
Day 13 Wednesday 11 Feb	Tribunal deliberating (parties need not attend)
Day 14 Thursday 12 Feb	Tribunal deliberating (parties need not attend) Reserved judgment to be sent to the parties

Preliminary/interlocutory issues

Day 2 preliminary issues

23. The claimant had, prior to the commencement of the final hearing, made an application for a witness order in relation to two potential witnesses:

- 23.1. Abida Azam (AA), Security Manager People Terminal 2, the claimant's line manager; and
- 23.2. Estefania Sanchez Guilcapi (ESG), Security Operations Manager involved in the production of the Ramadan video relevant to **Issue 2.1.11**.

24. The claimant confirmed on the morning of Day 2 that she wished to pursue that application, and we therefore heard both sides' submissions.

25. Following the case management hearing on 22 January 2026, the claimant had been in touch with the two potential witnesses. It transpired that the claimant had had AA's telephone number prior to 22 January and so could have contacted her earlier. However, the claimant explained that she was under the misapprehension that she was not allowed to contact AA or ESG. AA responded to the claimant's request for her to attend the Tribunal to be a witness by saying:

"Hi Zara
I will not be attending as I do not wish to get involved".

26. ESG's response to the claimant reaching out to her the week before the hearing was as follows:

"Good afternoon all,
Hope all is well.

Thank you for your email. I will wait for the courts to summon me, in the meantime I will not be attending.

Thank you for your understanding”.

27. The claimant’s position was that the two potential witnesses are relevant as follows:

27.1. In relation to AA, the claimant says that PY’s statement effectively seeks to blame AA regarding the conduct (and alleged failings) of the claimant’s grievance complaint that she entered on 27 November 2023. The claimant’s position is that she understood from AA that the responsibility for progressing that grievance rested with PY, whereas PY gives the impression that this responsibility was squarely on AA. The claimant says we need to hear from AA to get to the bottom of that dispute; to find out where any fault lay, with AA or with PY. AA’s evidence would potentially therefore be relevant to **Issue 2.1.1**: “PY failed to respond appropriately to the grievance submitted on 27 November 2023 [with 5 particularised alleged failures thereafter]”.

27.2. In terms of ESG, her evidence would relate to Issue 2.1.11: “the respondent’s decision to block a Ramadan video the claimant had participated in on or prior to 1 March 2025”. The claimant’s case is that ESG was the individual who organised, authorised and managed the Ramadan video initiative regarding Issue 2.1.11, and so must be able to give relevant evidence as to why the video was blocked.

28. The respondent said that, regarding **Issue 2.1.1**, this is squarely an allegation put against PY, and no-one else; this has been the case since the first List of Issues was drafted in 2024 – [CB/231]. No complaint has ever been made against AA, whether internally or externally, and so she is not relevant for resolving that Issue. Ms Musgrave-Cohen asserted that the respondent does not “rely” on AA, as is suggested by the claimant, she is just part of the factual background on the basis that she was the claimant’s line manager.

29. In terms of ESG, this relates to **Issue 2.1.11**. The respondent argued that the allegation is not made against an individual, but against the respondent’s management – see [SB/217]. The witness who speaks to that allegation is HRR: this is at least in part because he (along with Waseem Hussain) was the individual who the claimant chose to contact regarding the alleged blocking of the video on 1 March 2025 – [CB/1201]. He is also the individual who decided not to post the video from a management’s Buzz account.

30. The Tribunal gave its decision on this application at 1125hrs on Day 2, rejecting the application.

31. The Tribunal briefly set out the relevant law as follows. A witness order will be granted when the Tribunal is satisfied, in line with Dada v Metal Box Co Ltd 1974 ICR 559 NIRC, that:

31.1. The intended witness can on the face of it give evidence which is relevant to the issues in dispute; and,

31.2. It is necessary to issue an order to compel attendance.

32. In terms of relevance, the applicant should set out the subject matter of the intended witness's evidence and show the extent to which it is relevant.
33. However, as in Noorani v Merseyside TEC Ltd 1999 IRLR 184 CA, it has never been the position that any evidence that *might* be relevant *must* be admitted (our emphasis). The decision as to whether it is sufficiently relevant is ultimately a matter for the discretion of the Tribunal. The Court of Appeal held that if, during the course of the hearing, the Tribunal decided that the original decision was wrong, then that Tribunal can change its mind.
34. In this case, we can see why the claimant has some misgivings about the lack of these two individuals, particularly given she is a litigant in person. However, looking at the issues we need to determine, we have PY here to answer **Issue 2.1.1** and HRR here to answer **Issue 2.1.11**.
35. At this preliminary stage, the Tribunal did not consider that the evidence of either ESG or AA was sufficiently relevant. However, we explained to the claimant that we would keep this under review and if there was any evidence that may lead us to consider that there has been a change of circumstances permitting us to look at the application again, we would do so.

Day 4 interlocutory issues

36. On Day 4, the claimant sent an email to the Tribunal at 0945hrs regarding new evidence about the functioning of Microsoft Teams. This was in response to a section of questions from Ms Musgrave-Cohen to the claimant regarding **Issue 2.1.2** on Day 3. The claimant's recollection was that Ms Musgrave-Cohen had stated in her cross-examination that it was not possible, as a matter of fact, for moderators on Microsoft Teams to disable a participant's ability to unmute themselves.
37. Having checked the Tribunal's note, we were satisfied that Ms Musgrave-Cohen had not made such an assertion in her cross-examination of the claimant. The relevant exchange was as follows:

Musgrave-Cohen: You say that the respondent disabled your mute button. At [CB/153] you say that is a screen shot at the point at which you tried to rejoin the call.

Claimant: Yes.

Musgrave-Cohen: At the bottom, the mute button is greyed out, and the speaker is blocked off. So, that suggests that there were technical issues. [meaning with the claimant's side of the call]

Claimant: No, I am quite good with computers. I took these screenshots as, before I was removed, I could use the mute button but here the mute button is greyed out meaning my mute button was disabled.

38. Instead of considering an application to admit new evidence regarding the workings of Microsoft Teams, to which the respondent made it clear it would object, we suggested that instead we take judicial notice of an agreed position. It appeared to the Tribunal that both parties (and the Tribunal) agreed that it is possible for the facilitators of a Microsoft Teams meeting to mute other participants. Both sides confirmed that this was their understanding. As such, we formally record that we take judicial notice of this point. The factual dispute

that remains is whether, on 26 February 2024, someone from the respondent in fact muted the claimant and at what point.

Day 5 interlocutory issues

39. On the morning of Day 2, the claimant's husband, FA, gave evidence. During the course of that evidence, he was asked about a meal that he, the claimant and their children had had at the weekend just before this final hearing, at a restaurant called Shakeshuka. It transpired that the restaurant had reached out to the claimant to offer her support, having heard about her Tribunal case. The restaurant had posted on social media a video interview with the claimant and her family at the restaurant: we have called this "the Shakeshuka video".
40. This video had been edited to skip part of the original content, and gave the false impression that the claimant had been dismissed from the respondent on the same day as she was confronted about wearing her Palestinian flag badge.
41. The respondent applied to admit the video, along with the comments on the video on the two different platforms on which it appears: TikTok and Instagram. This application in the event took place on Day 5 and referred to Appendices A to H (other than F):
 - 41.1. Appendix A – a video of a TikTok account which shows that the Shakeshuka video was posted by Shakeshuka and then reposted by the claimant. The comments that can be seen at the end of the video are visible on both Shakeshuka and the claimant's TikTok accounts.
 - 41.2. Appendix B – a video of an Instagram account. The Shakeshuka video appears as a "collaboration". Shakeshuka invited the claimant to collaborate on the video with it, meaning that the video and comments that follow are mirrored on both Shakeshuka and the claimant's accounts.
 - 41.3. Appendix C – a pdf of screenshots of the comments from the Instagram posting of the Shakeshuka video, which are mirrored on the claimant's and Shakeshuka's accounts;
 - 41.4. Appendix D – a screenshot of a social media post by someone with the handle of "Latifabouchakra", tagging in the claimant's account, relating to the claimant's Tribunal case. We have labelled this "the campaign post";
 - 41.5. Appendix E – a screenshot of other posts of the Shakeshuka video from TikTok, capturing a comment from an unknown source regarding the editing of the video;
 - 41.6. Appendix G – the narrative comment on Instagram to the Shakeshuka video;
 - 41.7. Appendix H – the transcript of the Shakeshuka video. We note that this should include a reference to the video jumping after the words "she got sacked in the same day".
42. The Shakeshuka video starts with the owner stating that the claimant was

dismissed on the same day as she was confronted for wearing her Palestinian flag bag. Although the claimant says she corrected the owner at this stage, the video does not record that, but clearly has been edited to miss a period of time and jump to the rest of the owner's speech, setting out that the claimant is going to the Tribunal on her own without a lawyer. The owner, in the video, is essentially seeking help for the claimant by reaching out to anyone who may be able to support/assist her.

43. The respondent's point on these documents is that they go to the claimant's credibility. The video, containing false information about the claimant's dismissal, has been placed into the public sphere, and shared by the claimant, with no attempt by her to correct the obvious misinformation therein, whether by asking the owner to remove the video, to post the whole video unedited, or to post something herself stating that the content is not accurate.
44. The claimant's view is that the owner of Shakeshuka was very much in charge of this video, its editing and its posting. She has a limited number of followers on TikTok (around 10) and a modest number of followers on Instagram (130, which increased after the posting of the Shakeshuka video). The claimant also pointed us to one exchange of comments on TikTok in the comments feed that says (Appendix E):

From handle "chase.the.sausage.dog":

"Is it true she lost her job same-day because she put a Palestinian pin, that's not true liar."

From handle "s3tbx":

"No, the video was edited and missed out when she gave the correct answer".

45. We listened to the submissions made by both sides, and reminded ourselves of the relevant law. We granted the application to admit the evidence now recorded as Appendices A, B, C, D, E, G, H for the following reasons.
46. We directed ourselves to the Overriding Objective at rule 3 of the Employment Tribunal Procedural Rules 2024:

3 – (1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes, so far as practicable –

- (a) Ensuring that the parties are on an equal footing,
- (b) Dealing with cases in ways which are proportionate to the complexity and importance of the issues,
- (c) Avoiding unnecessary formality and seeking flexibility in the proceedings;
- (d) Avoiding delay, so far as compatible with proper consideration of the issues, and
- (e) Saving expense.

(3) The Tribunal must seek to give effect to the overriding objective when it –

- (a) Exercises any power under these Rules, or
- (b) Interprets any rule or practice direction.

(4) The parties and their representatives must –

- (a) Assist the Tribunal to further the overriding objective, and
- (b) Co-operate generally with each other and with the Tribunal.

47. Our attention was particularly directed by the claimant to the factor of ensuring parties are on an equal footing. On this point, the claimant asserted that she was not on an equal footing as she was not legally represented and did not have the support as the respondent does. We accept that, broadly, in litigation, where one side is a litigant in person and the other is represented, it may feel to the litigant in person that there is an imbalance. However, this application and the documents we are asked to admit do not present a specific imbalance between the parties. Both parties would be able to make their submissions on these documents to the extent necessary in their closing submissions.
48. Broadly we need to deal with the case justly and fairly under rule 3. When we consider aspects of this case, and specific issues, there are parts where we are asked to resolve a dispute of fact; for example, where the claimant says one thing was said, and the respondent's witnesses have a different recollection.
49. Resolving such disputes of fact involves a weighing of credibility of the witness evidence we hear and read: therefore, credibility in itself is of importance.
50. We direct ourselves that the Employment Appeal Tribunal in Scotland has held that evidence on a collateral matter can be relevant because it has the potential to undermine a party's credibility on a central issue in the case – Scottish Shellfish Marketing Group Ltd v Connelly EATS 0008/06 para 51.
51. We highlighted to the parties in giving our decision that this did not mean that we had made any decisions on credibility, just that we consider this evidence to be relevant to that point.

Day 6 interlocutory issues

52. On the eve of Day 5, the claimant sent to the Tribunal and the respondent two documents. One was some screenshots of the claimant's prescription history from her NHS app. The other was her written response to the respondent's application to admit Appendices heard on Day 5: she said she wanted this to be kept on record.
53. The respondent agreed to the admission of the claimant's prescriptions – this became Appendix F. The reason why the claimant produced this document was that she recollected that we had asked her to provide us with evidence of her prescriptions. The Tribunal did not make such a request. She was asked by Mrs Brown "at [SB/202] there is reference to Propanolol for anxiety. Was that prescribed by your GP?". We did not ask for any evidence of any prescriptions.
54. The respondent's comment on the claimant's written response to its application was that it contained screenshots of Instagram comments that were as recent as Friday afternoon (Day 5), after the application regarding the various Appendices regarding the Shakeshuka video had been determined. Specifically, one post was new, from the handle "s.m.2k22":

"@shakeshuka_london We can see that the video is edited, unfortunately, people may not realise that that had happened. It's important to state that Zara did not get sacked on the

same day she wore the pin. I'm not sure about all the facts of the tribunal, but I am certain it would have been too much to convey on a short video for instagram".

55. We noted the timing of this post, which was indeed after we made our decision to admit the various Appendices on Day 5. We do not know the identity of the person behind handle "s.m.2k22". The claimant told us that she had understood from us that she was not allowed to post anything during the course of the hearing, and so was unable to correct the falsehood in the Shakeshuka video. However, it appears to us "s.m.2k22" must be someone known to the claimant and must have posted the above comment in response to our decision and discussion around the Shakeshuka Appendices.

56. We kept the claimant's written response on our file, but were mindful of the timing of the social media entry it contained.

Day 9 interlocutory issues

57. During the hearing, the claimant repeated her concerns that AA's evidence was crucial to her case, particularly in relation to **Issue 2.1.1**. The Tribunal considered that the only gateway by which we could look at the claimant's application for a witness order for AA again would be if there had been a change of circumstances since we first made our original decision on Day 2. We determined that the optimum time to consider whether such a change in circumstances had occurred would be after hearing the evidence of FH and PY, as being the two witnesses pertinent to **Issue 2.1.1**.

58. As a matter of logistics, we ended up hearing both sides' submissions as to whether there had been a change in circumstances after JS's evidence.

59. Both parties were given the time and opportunity to prepare submissions as to whether there had been a change in circumstances. The Tribunal determined that there had been no such change. This was on the following basis.

60. PY's evidence in cross-examination remained consistent with his evidence in his witness statement and contemporaneous documentary evidence, and consistent with the respondent's case; that being that it was AA who was the manager with ownership of the claimant's grievance of 27 November 2023, not PY.

61. We concluded that, even if we were to decide that the initial grievance process was unsatisfactory for some reason, the point remains that we heard no new evidence from PY about any further discussions/communications with AA that change the factual basis of the respondent's case. For example, PY did not say anything that would suggest he had taken more steps than we had previously understood he had taken: such as saying "I told AA in some other communication to go get the CCTV earlier", or "I told AA to get the Resource Allocator boards examined earlier by someone in T5". Such new evidence may have led to a conclusion that there had been a change in evidence and a change in circumstances relevant to **Issue 2.1.1**, which is an allegation squarely put against PY and PY only.

62. We reminded ourselves and the parties that the Employment Tribunal is an adversarial forum, not an inquisitorial forum. In other words, the Tribunal operates on the basis of two sides contesting a claim. Other jurisdictions, such

as the coroner's court, function through an inquisitorial system, in other words a judge-led investigation to find facts. We had to consider whether either side's case had changed since we last made a decision on the witness order application, so as to lead to a change in circumstances. We concluded that neither side's case had altered. As such, we concluded that we could not review our previous decision to reject the claimant's application for a witness order regarding AA.

Issues

63. The issues were finalised and agreed between the parties following various iterations during the life of this claim. We record the full List of Issues here for completeness.

1. **Discrimination – Time / Jurisdiction (pursuant to s. 123 Equality Act 2010)**
 - 1.1. Were the discrimination and victimisation complaints made within the time limit in section 123 of the Equality Act 2010? The Tribunal will decide:
 - 1.1.1. Was the claim made to the Tribunal within three months (plus early conciliation extension) of the act to which the complaint relates?
 - 1.1.2. If not, was there conduct extending over a period?
 - 1.1.3. If so, was the claim made to the Tribunal within three months (plus early conciliation extension) of the end of that period?
 - 1.1.4. If not, were the claims made within a further period that the Tribunal thinks is just and equitable? The Tribunal will decide:
 - 1.1.4.1. Why were the complaints not made to the Tribunal in time?
 - 1.1.4.2. In any event, is it just and equitable in all the circumstances to extend time?
2. **Harassment Related to the Claimant's Race / Religion (pursuant to s. 26 Equality Act 2010)**
 - 2.1. Did the Respondent do the following things:
 - 2.1.1. Y failed to respond appropriately to the grievance submitted on 27 November 2023; in particular by:
 - 2.1.1.1. Delaying his response to the grievance by not acknowledging it within 7 days (but only after 17 days), not holding a grievance hearing at all and deciding not to progress the grievance for the professed reason that it was not possible to identify the security officer concerned (the Claimant says that insufficient attempts had been made to identify them);
 - 2.1.1.2. Failure to investigate available CCTV promptly but only asking the Claimant for the lane number and time of the incident which would enable CCTV footage to be located on 17 January 2024;

- 2.1.1.3. Failure to take disciplinary action against the co-worker; (the Claimant has since identified the co-worker but confirmed that she is not including within this claim an allegation against the co-worker concerned);
- 2.1.1.4. Failing to take the grievance seriously including by failing to investigate the CCTV and failing to ask for the resource allocator's logs to seek to identify the individual; and,
- 2.1.1.5. Closing the case without a thorough investigation or proper resolution (as set out above).
- 2.1.2. The moderators of enhaNCE Network call on 26 February 2024 ignored the Claimant's question, removed her from the call and disabled her unmute button, ignored her attempts to participate and hid what had happened by deleting the video recording of the meeting. The Claimant confirmed that this allegation was made against the moderators and not against the leads/hosts.
- 2.1.3. On 29 March 2024 the Respondent deleted the Claimant's post on Good Friday, while allowing posts in support of Ukraine.
- 2.1.4. The Respondent banned the Claimant from the internal communications platform "Buzz" for 5 days starting on the 2 April 2024.
- 2.1.5. The decision to reject the claimant's grievance by the outcome dated 24 May 2024 from Darren Skeates. The particular complaint is about Mr Skeates' consideration of the grievance in his outcome letter, specifically that the claimant's complaints were trivialised.
- 2.1.6. On 10 April 2024, deleting the Claimant's Eid post about how she had been treated.
- 2.1.7. On 24 June 2024, Z stated "Have you got approval to wear that thing on your head" (indicating the claimant's hijab), "But your children are safe aren't they?" (as though the Claimant didn't need to worry about the children of Palestine) and that the Claimant needed to focus on her own kids.
- 2.1.8. Davinder Gill and James Shea on 24 June 2024 bullying and pressurizing the claimant in a private meeting specifically:
 - 2.1.8.1. Making the claimant attend a meeting without any notice, preventing her from obtaining representation in advance and from completing adequate preparation;
 - 2.1.8.2. Speaking to the claimant in an oppressive and coercive manner forcing her to remove her Palestine badge.
- 2.1.9. On 11 February 2025, the Claimant was approached by Security Intelligence Officers to discuss a Safecall incident and was subjected to coercive interrogation designed to intimidate and isolate her.
- 2.1.10. The Respondent deleting the Claimant's post about Holocaust Memorial Day 2025.

2.1.11. The Respondent's decision to block a Ramadan video the Claimant had participated in on or prior to 1 March 2025.

2.2. If so, was that unwanted conduct?

2.3. Did it relate to race?

2.4. Further or alternatively, did it relate to religion and belief?

2.5. Did the conduct have the purpose of violating the claimant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the claimant?

2.6. If not, did it have that effect? The Tribunal will take into account the claimant's perception, the other circumstances of the case and whether it is reasonable for the conduct to have that effect.

3. Direct Race and Religious Discrimination (pursuant to s. 13 Equality Act 2010)

3.1. The Claimant is Muslim. She also identifies with the Palestinians, in her words she sees them as her family, and accordingly she is perceived by many to be Palestinian. She also associates with Palestinians.

3.2. Did the Respondent do the following things:

3.2.1. The claimant relies upon the acts alleged to be unlawful harassment as unlawful direct discrimination in the alternative.

3.3. Was that less favourable treatment than was or would have been given to those who are not perceived (rightly or wrongly) to be Palestinian, or associate with such persons?

3.4. Was that less favourable treatment than was or would have been given to those who are not Muslim.

The Tribunal will decide whether the claimant was treated worse than someone else was treated. There must be no material difference between their circumstances and the claimant's.

If there was nobody in the same circumstances as the claimant, the Tribunal will decide whether they were treated worse than someone else would have been treated.

The claimant has not named anyone in particular who they say was treated better than they were.

3.5. If so, was it because of her perceived race, or association with those of Palestinian race?

3.6. Further and in the alternative, was it because of religion?

3.7. Did the Respondent's treatment amount to unlawful harassment related to race and/or religion? If so, then the claim of direct discrimination will fail because the treatment cannot also amount to a detriment (s.212(1) Equality Act 2010)?

3.8. If not, did the Respondent's treatment amount to a detriment?

4. Victimisation (pursuant to s. 27 Equality Act 2010)

4.1. Did the Claimant do the following protected acts:

- 4.1.1. On 12 January 2024, the Claimant made a complaint of discrimination to the Tribunal (case number 3300526/2024);
- 4.1.2. Lodging the second and third Grievances;
- 4.1.3. On 25 January 2025 and 1 February 2025 asking for her grievance to be reopened.

4.2. Did the Respondent do the following things:

- 4.2.1. Deduct a day's pay for a day partially worked by the Claimant on 21 November 2024;
- 4.2.2. On 11 February 2025, the Claimant was approached by Security Intelligence Officers to discuss a Safecall incident and subjected to coercive interrogation designed to intimidate and isolate her.

4.3. By doing so, did it subject the Claimant to detriment?

4.4. If so, was it because the Claimant did a protected act?

4.5. Was it because the Respondent believed the Claimant had done, or might do, a protected act?

Findings of fact

64. We start with an overarching point that we consider appropriate to address at this stage. We do not doubt, and the respondent has not questioned, the claimant's genuine, sincere and deeply held affinity to and concern for the people of Palestine. However, that affinity and concern, we find, colours the manner in which the claimant approaches various circumstances and forms a strong part of her personal identity. She told us that she is not a campaigner, but someone who has brought a complaint about the way she was treated at work: we consider the two are not mutually exclusive, as can be seen from the social media evidence we have seen, for example Appendix D, the text of which is as follows:

“HEATHROW vs ZARA SAIYED

ZARA IS FACING AN EMPLOYMENT TRIBUNAL
AFTER BEING ASSAULTED AT WORK FOR
WEARING A PALESTINE FLAG PIN,
TARGETED OVER HER HIJAB
AND INTERROGATED BY
“SPECIAL INTELLIGENCE
FOR BEING ANTI-ZIONIST

MOBILISE
OUTSIDE
COURT

JOIN US OUTSIDE THE
COURT TO DEFEND HER
RIGHT TO ANTI-ZIONIST BELIEFS

27-28 JAN 2026
8:30AM

BRING A FRIEND
PLACARDS/
DRUMS
& FLAGS!

LOCATION: READING EMPLOYMENT TRIBUNAL, RG1 1DX""

65. We accept that this was not posted by the claimant, but it is a post in which she is tagged. We find that this post is a call to arms, to rally for the claimant at the Tribunal. In the event there was no such rally. However, this to us demonstrates that, contrary to what the claimant stated to us, this case is part of her own personal campaign to further the cause of the Palestinian people. We find that the claimant sees everything through the prism of her Palestinian affiliation; casting herself in the position of a victim or martyr from the stage at which PX confronted her in November 2023. We do not consider that the claimant is deliberating lying, but that she is swept along with her own inaccurate narrative. She is not always a reliable or credible recaller of facts. The respondent says she fabricates, exaggerates and sensationalises: we accept this submission. However, we do not agree with the respondent's further submission that this is done with any malicious intent. Yet the result is the same: the claimant's accounts and allegations we accept have been hugely damaging, particularly to PY and PZ.
66. We highlight to both parties that the Tribunal's role is not to validate, or indeed invalidate, any cause. It is simply to determine whether the respondent acted unlawfully in the ways alleged as set out in the List of Issues. That is the task we have undertaken; nothing more and nothing less.
67. We highlight also that this case is not about validating the claimant's anti-Zionist beliefs. She has not presented a claim on the basis of the protected characteristic of anti-Zionist beliefs. This case is not about the claimant defending any such beliefs, but about whether she suffered discrimination or harassment because of her race or religion.
68. We record at this point that the claimant specified the relevant protected characteristics as follows:
- 68.1. In relation to race, the claimant relies on associative or perceived race. In other words, she identifies strongly with Palestinians, seeing them as her family, and therefore considers she is perceived as Palestinian. Alternatively, she relies on being associated with Palestinians – [CB/441]:
- 68.2. In relation to religion, the claimant confirmed at the preliminary hearing on 4 July 2024 that, firstly, she is Muslim and, secondly, "she suspects that "Palestinian" may have been equated to "Muslim" as though all Palestinians were Muslim" - [CB/229].
69. We clarified with the claimant during closing submissions that the precise position regarding the claim of religious discrimination is as follows:

- 69.1. In relation to **Issue 2.1.1** against PY, the claimant believes that PY was significantly influenced by her Muslim faith generally, and that the way he conducted himself was related to/because of her being a Muslim;
- 69.2. In respect of the other allegations of harassment and direct discrimination, the claimant's complaint is that the relevant protected characteristic is her association with the Palestinian people, or the perception that she was from Palestine. She says that this includes an assumption that all people from Palestine are Muslim and therefore that she too is a Muslim. Therefore, in respect of all Issues other than **Issue 2.1.1**, the claimant's complaint in terms of religion is more limited in scope, and is that she was associated with Palestine or perceived to be Palestinian, and there is an assumption that all people from Palestine are Muslim.

Credibility and reliability

70. Submissions were made on both parties' credibility. We consider it helpful to address this issue broadly at this stage, following our findings above at paragraph 65.

71. We find that the claimant is someone who is capable of misinterpreting, misunderstanding and/or misremembering. For example:

71.1. We have set out above that the claimant's recollection of Ms Musgrave-Cohen's cross-examination of her was not accurate – see paragraphs 36 and 37 above;

71.2. We have set out above at paragraph 53 the claimant's mistaken recollection that we asked her for evidence of prescriptions;

71.3. Regarding a meeting the claimant had with JS on 26 January 2024, his note is at [CB/657] and the claimant's email to her colleagues following that meeting is at [CB/664]. In that email, the claimant copies in JS and states:

“@James, please can I request in relation to this point and until the Zero Tolerance for all badges policy comes into effect – please can the colleagues who have been green carded and penalised in T3 have these green cards removed off their records...”.

Yet, the claimant's evidence to us repeatedly was that in this meeting JS had given her a reassurance that she (and others) could continue wearing their Palestinian flag badges until a zero-tolerance policy was introduced. This is simply not reflected in the contemporaneous documents as being the information she was given. For example, in the claimant's own email cited above, and in JS's account at [CB/657]. Further, in an email from DG at [CB/722], he makes it very clear that “any colleague with a nonapproved lanyard/pin/badge...can be asked to remove these as per the comms”.

71.4. In [C1/27], the claimant stated, in relation to the Teams meeting the subject of **Issue 2.1.2**, that AS “just continued to speak as if I wasn't there, and then ended the call”. She accepted in cross-examination that this is not an accurate reflection of the end of that call as visible from the video of that

meeting;

71.5. At [CB/761], in her grievance meeting with DS about the 26 February 2024 meeting, the claimant reported “no one from enhance have reached out or apologised...”. This is evidently not true on the contemporaneous documentation we have (recorded at the relevant point of the chronology below). The claimant in cross-examination clarified that what she meant was, after the initial or immediate aftermath in which contact was made, no further efforts were made by anyone from en-haNCE. This is not how the entry on [CB/761] reads;

71.6. Also in the 26 February 2024 meeting, at [CB/760], the claimant is recorded as saying “I raised [the matter] in detail in my anger and I wrote it on Buzz. ... My post was deleted a few people saw and msgd me. I posted twice. I posted once in a nutshell and I had people msg me for more context”. However, it is not correct to say that the claimant’s Buzz post was deleted. The Buzz post is that at [CB/699] and we can see from internal communications that her post was left up on Buzz, thanks to AS (who is one of the alleged perpetrators of **Issue 2.1.2**) - [CB/703];

71.7. Regarding the incident at **Issue 2.1.9**, the claimant reported to a psychiatrist that it was “two men” who had approached her regarding the Safecall incident - [CB/1222]. It was in fact one man and one woman: VB and Tim Cummins (TC). RS’s evidence in writing at [RS/22], and confirmed twice in oral evidence, was that the claimant informed her it was two men. This claimant’s mother can only have received this information from the claimant. We find that the claimant told herself, her psychiatrist, and her mother that the incident took place with two men, as it would make a more dramatic account than with one woman and one man.

72. These examples demonstrate that, on some occasions, the claimant has selective listening or memory. On other occasions, she takes what she hears and infers something different to the natural meaning of what she has heard.

73. On a related point, we consider that the claimant does not have a recognition of the harm her words can cause and has a tendency to hyperbolise. For example:

73.1. The Shakeshuka video: the claimant reposted Shakeshuka’s false account regarding her dismissal, without clarification or rectification. The claimant said to us that this was because she did not think she could post during the hearing period. However, this does not explain why she did not correct the matter at the time the video was posted, which was before the start of the final hearing. We find that her collaboration or reposting of Shakeshuka’s video demonstrates a willingness to put false information out onto a public forum without consideration of the potential reputational damage she is causing. She was not able to see the potential harm until it was highlighted to her during this process.

73.2. The claimant’s email to her psychiatrist, as mentioned in paragraph 71.7 above. That email starts on [CB/1206] and ends at [CB/1231]; it was sent on 9 April 2025. We will refer to parts of this email when they become relevant in the chronology below. However, at this stage, we make the overarching observation that the claimant’s recounting of various incidents

with the respondent's employees within that email are highly emotionally charged and dramatised. For example, in relation to 24 June 2024 matter covered by **Issue 2.1.7**, the claimant recorded the following:

“And then her voice – PZ – cut through the air like a knife.

...

She didn't just say it - she *spat* it. Like my hijab was filth. Like i was an alien species.

...

I felt naked.

Violated.

Torn open in front of a room full of strangers.”

The point of this document being included in the bundle we consider is self-serving. We do not have any evidence from the psychiatrist: this document is another opportunity for the claimant to provide her narrative.

73.3. An email sent to DG and JS on 27 June 2024 at [CB/926-927], in which she states:

“Firstly, Heathrow have been complicit in the killing of babies in Palestine which I think is important to remind you of. ...”

This is a highly emotive and damaging statement to make about any company or individual and is a hyperbolization of the situation.

74. In her closing submissions, the claimant said:

“It is important for me to clarify here that not at any time did I explicitly or implicitly call anyone racist. I have said that I felt discriminated against or singled out or targeted. I have never said everyone at Heathrow are racists. I have been very careful to reflect in my language and be as respectful as possible”.

75. Yet, documents in the Core Bundle demonstrate this is not so; that the claimant did use the word “racist” (or synonyms) on occasion relating to employees of the respondent. For example:

75.1. Regarding PZ: “...The implication [by PZ] here – that the sight of a PIA aircraft constitutes a “threat” - is a deeply Islamophobic and racist insinuation” and “Her comment underscores a double standard, ...This perpetuates a narrative that whiteness is superior and safer, an inherently racist notice...”- [CB/1113];

75.2. In communication to the Tribunal at [CB/202], the claimant wrote “I strongly feel to ban the word Palestine on Eid day is highly discriminatory, Islamophobic, and racist...”

76. We find that the claimant is capable of saying something and believing it is true and yet is shown to be wrong when you look at the contemporaneous documents. We find that this connects to the fact that the claimant in person is very polite and not aggressive. We find that she would not want to think that she would accuse anyone of racism or of being a racist as she would consider herself too polite.

77. We find that the claimant is a very capable, intelligent individual, but someone whose evidence was not always credible and reliable.

78. In terms of the respondent's witnesses, they demonstrated no such tendencies to hyperbole or misinterpretation. Some witnesses made concessions where a concession was appropriate. For example, AJ stated in evidence regarding the Teams call of 26 February 2024 (**Issue 2.1.2**):

“We did mute you, I am not sure what happened. If we did mute you, I apologise. We understand why you would feel silenced...”.

79. Secondly, PZ, in the face of every strong allegations of discrimination, accepted that she could have handled her discussion with the claimant on 24 June 2024 better (**Issue 2.1.7**).

Context in 2023/2024

80. At this stage of our Judgment, we consider it appropriate to set out the context in which the facts of this case fall to be considered, and where those facts fit within the global picture arising towards the end of 2023 and into 2024.

81. The Hamas attack in Israel took place on 7 October 2023. This was two days prior to the claimant commencing her employment with the respondent on 9 October 2023.

82. The respondent reacted to these international events by imposing a new policy regarding communications on global conflicts (“the Global Conflict Policy”), the first iteration of which was disseminated on 28 October 2023 and edited on 3 November 2023 - [CB/590]. That policy required that:

“...personal views on conflicts must not be shared on Heathrow internal communications channels. Any posts or comments that breach this will be deleted and line managers informed”.

83. The Global Conflict Policy was further updated on 11 January 2024 and 26 February 2024 - [CB/591/536], stating:

“...personal views on conflicts must not be shared on Heathrow internal communications channels. Colleagues should recognise that personal views may cause distress and offense if they seek to minimise or deny the experience, history or identity of people affected by conflict and violence. Any posts or comments that breach this will be deleted, and line managers informed.

As the face of Heathrow – for our customers as well as among our colleagues – we should remain neutral and avoid demonstrating opinions that could compromise Heathrow’s values of giving excellent service and keeping everyone safe”.

84. We note further that, in January 2024, the International Court of Justice described the events unfolding in Palestine and Israel over the preceding months in the following terms:

“On 7 October 2023, Hamas and other armed groups present in the Gaza Strip carried out an attack in Israel, killing more than 1,200 persons, injuring thousands and abducting some 240 people, many of whom continue to be held hostage. Following this attack, Israel launched a large-scale military operation in Gaza, by land, air and sea, which caused massive civilian casualties, extensive destruction of civilian infrastructure and the displacement of the overwhelming majority of the population in Gaza. The Court is acutely

aware of the extent of the human tragedy that is unfolding in the region and is deeply concerned about the continuing loss of life and human suffering”.

85. This is taken from Introduction to the Summary of the Order of 26 January 2024 on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel) (<https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-sum-01-00-en.pdf>).

86. In July 2024, there was a slight relaxing of the respondent’s Global Conflict Policy, as can be seen from the “Guidance on Internal Communications” at [CB/537]:

“Heathrow’s Executive Committee has decided that, as a business, we will not publicly comment on currently global issues. However, after a review following a request from the en-haNCE Steering Committee, we have decided that we will permit colleagues to post support for people in areas of conflict, provided that this does not marginalise, exclude or blame other individuals or groups. These principles would also apply to images, videos and profile pictures. The Internal Communications team will remain the moderator for all communications and will continue to remove any posts that fall outside the guidance.

...
If inappropriate comments are posted on internal channels, these comments will be removed, and further warning or disciplinary action could be taken....

To help avoid unintended offence to colleagues and passengers, we will be enforcing the Heathrow Dress Code more strictly than has been the case in the recent past to reverse the increasing trend of incorporating personal items and pin badges into uniform apparel.”

87. It is hugely unfortunate that the claimant’s experience of employment at Heathrow during the relevant period of this claim covered precisely the period during which the Gaza conflict was at such a heightened state.

88. We accept the respondent’s point that the public position in terms of the Gaza conflict has altered over time, since 7 October 2023 to date. We must place ourselves back in 2023/2024 to consider the public perception, the Government’s response and the respondent’s response to the unfolding events in the Middle East.

The respondent’s approach to the claimant’s concerns

89. One of the claimant’s overarching criticisms of the respondent is that they did not take her concerns and support for Palestine seriously. We do not agree with this assertion.

90. The claimant had meetings with James Shea (Head of Security – All Terminals), Davinder Gill (Head of Security – All Terminals Performance) and Adam Sunderland (E&D Lead) at various stages of the relevant chronology.

91. It was put to the claimant that having meetings at this level demonstrated that the respondent took the claimant’s concerns about her desire to raise support for Palestine seriously and that she was listened to at the highest level. The claimant disputed this interpretation, downplaying the meetings, and said that each meeting was about a specific incident, as opposed to being a collaborative meeting about how to work together to put better support in place.

92. However, it is the respondent’s witnesses’ own evidence that, due to the

claimant's input (along with AJ and others at enhance), the approach to Buzz posts regarding global conflict softened – for example see the 11 July 2024 communication on [CB/938-939] and that at [CB/573] cited above.

93. We therefore find that the claimant's voice was heard in relation to matters such as freedom of speech on the internal communications platform ("Buzz"), and that her views were given respect and taken seriously by those in positions of authority at the respondent.

Uniform policy

94. The respondent has various policies regarding uniform:

- 94.1. The Security Officers' Uniform Standards (4 April 2018) – [CB/455];
- 94.2. Uniform Standards – Security (August 2024) – [CB/560].

95. In relation to badges, during the life of the April 2018 policy, the rule was:

"Only Heathrow approved and supported badges are allowed; a maximum of four badges may be displayed on our lanyard at any one time".

96. The policy was then reviewed in August 2024, at which point the rules regarding badges were updated and read as follows – [CB/561&567]:

"While wearing your Heathrow uniform and representing Heathrow Airport only Heathrow approved supported items are allowed in addition to any uniform. This includes (but is not limited to) Heathrow approved/issued badges lanyard or extra articles of Heathrow clothing."

...

"Professionalism also applies to how we display our Heathrow passes:

- ...
- In all cases only Heathrow approved and supported badges are allowed;
- ...
- For the avoidance of doubt badges that display a country's flag are not approved;
- ..."

97. We accept that there was a shift in how rigidly the respondent enforced its uniform policy, as the respondent set out in July 2024 - [CB/537] cited above at paragraph 86. Historically, we accept that there was a lack of enforcement when (for example) employees wore flag badges: they were less likely to be pulled up on such breach of the policy. We find that the policy regarding badges was enforced more stringently following the 7 October 2023 attack by Hamas. We find that this change in approach to badge-wearing was a direct reaction to the Gaza conflict. However, this was not because specifically one of the countries involved was Palestine, but because of the divisive nature of the conflict and the fact that many of the respondent's employees and passengers had (and still have) very strong and differing opinions and sympathies. The respondent was responding to complaints they received at about this time (October 2023 to March 2024) from people linking (rightly or wrongly) the Palestinian badge with Hamas – [CB/727-728]. We accept that the reason for the more stringent application of the badge policy was as set out on the face of the respondent's Guidance on Internal Communication at [CB/537]: that it was done "to help avoid unintended offence": there is no good evidence to

undermine that reason.

The respondent's Buzz policy regarding global conflicts

98. As previously mentioned, the respondent runs an internal communications channel called "Buzz". Employees all have their own individual accounts and can post on their own accounts or comment on other account-holders' posts, very much like most social media fora. Buzz is internally regulated by way of the Buzz Colleague User Policy at [CB/539], which sets out guidelines for use as well as setting out the potential consequences of a breach of those guidelines. Those consequences are at [CB/539] and read as follows:

- "Posts and comments that are not in the spirit of Heathrow's values, or that breach these guidelines, will be reviewed and if necessary, removed.
- Posts and comments that have been reported at least three times will be removed from Buzz, and either reinstated or removed (at the discretion of the Internal Communications team).
- Colleagues who wilfully breach this Buzz policy three times over the course of their employment will lose their access to Buzz and may be managed in line with the Heathrow disciplinary policy.
- Colleagues whose comments or posts are found to be in breach of Heathrow's code of professional conduct may be managed in line with the Heathrow disciplinary policy."

99. The policy also sets out how to report a post at [CB/540]:

"If you find a post or comment that you believe is inappropriate or in breach of these guidelines, you can report it by clicking on the "report" tag under the post. Posts are automatically removed for moderation after three reports by colleagues."

100. Following the events of 7 October 2023, the respondent observed a significant increase in posts on Buzz regarding global conflicts, particularly in relation to conflict in the Middle East – [FH/WS/4.2]. In light of this increase, the Communications and Executive Team, led by Nigel Milton (Chief Communication and Sustainability Officer) decided to alter the respondent's communication policy with particular reference to global conflicts.

101. Initially, and shortly following the 7 October 2023 incident and the claimant's employment commencing on 9 October 2023, the respondent's Communications Team posted a statement on Buzz, with the following excerpt (marked as edited 28 October 2023) – [CB/590]:

"In line with our culture and policies, personal views on conflicts must not be shared on Heathrow internal communications channels. Any posts or comments that breach this will be deleted and line managers informed".

102. This was repeated in a similar Buzz post on 3 November 2023 at [CB/590]. There was then an update initially posted on 11 January 2024, then edited on 26 February 2024 at CB/536/591 to state as follows:

"Please be reminded that any personal views relating to conflict around the world will be removed as per the Buzz User Guidelines and our Inclusion Policy".

103. Furthermore, in January 2024, the Communications Team introduced keyword moderation control, meaning that posts on Buzz that contained certain key words would be automatically hidden for review before being published –

[FH/4.9], CC/2.2]. Some of those words were: “Gaza, Palestine, Israel, Israeli, Israelis, Palestinian, Palestinians” – [CB/807]. These words covered the Gaza conflict generally, as well as both sides of the conflict, as opposed to just hiding key words that related to Palestine.

104. The guidance was further updated in July 2024 at [CB/537-538]. See also 11 July 2024 communication on [938-939] which states:

“Following a request from the en-haNCE Steering Committee, Heathrow’s Executive Committee has reviewed the guidance and decided that we will **permit colleagues to post support for people in areas of conflict, provided that this does not marginalise, exclude or blame other individuals or groups**”. (emphasis in original document).

105. In terms of moderation and regulation of Buzz, we accept CC’s evidence at [CC/2.3] that, if a post is reported three times, it is automatically hidden and is then flagged for moderation by the respondent’s Communications Team: the employee in question receives an automated message on Buzz to explain that their post has been temporarily removed and will remain hidden until it has been reviewed – [CC/3.2]. In practice, this means that the post is reviewed and someone on the Communications Team decides on one of the following three outcomes – [CC/2.5]:

- 105.1. To approve the post and make it visible again;
- 105.2. To remove the post permanently (in which case the employee receives an automated message from Buzz); or,
- 105.3. To suggest an amendment to the post, asking the employee to make the suggested changes so that the amended post can be posted.

106. The claimant’s Buzz posts can be seen at [CB/729-739], with others’ comments to those posts. The individual ones particularly relevant to this case are set out in the appropriate chronological place below.

26 November 2023 incidence

107. On 26 November 2023, the claimant had been reallocated to Terminal 5 due to demand. Whilst there, she says that a colleague (a male security guard) chastised her for wearing her Palestinian flag badge, saying “remove the badge immediately” - [CB/632]. When the claimant responded, she alleges that the colleague called her badge “highly offensive” and said she was “forbidden to wear” it, repeating the command to remove it. For the purposes of this litigation, the colleague has been labelled “Person X” or “PX”.

108. Given that the incident that occurred on 26 November 2023 does not form an allegation in these proceedings, we consider that we need not make findings beyond those at paragraph 107 above.

27 November 2023 grievance

109. The claimant raised a grievance the following day to her line manager, AA, and Human Resources (HR) raising complaints of discrimination, harassment and abuse of authority against PX - [CB/631]. The claimant was unable to identify PX; during the process the only clue to his name she was able to give was that it began with “D”.

110. At this point, we highlight a few points within the Grievance Policy, which is found at [CB/446]. Regarding the relationship between the ERS and the line manager involved with any grievance, the policy states at [CB/448]:

“i. If the formal stage of the grievance process is used, the manager dealing with the grievance of the employee concerned should notify their local Policy and Case Advisor [synonym for ERS] who will provide advice and guidance at each stage of the process to those involved to ensure that the procedure is followed and applied correctly.

j. Any decision made will be the sole responsibility of the manager at each appropriate stage. Human Resources will support by giving guidance on the processes and procedures to be used and are not part of the decision-making process. ...”

111. Therefore, in this instance, AA was the “manager dealing with the grievance” and PY was the “Policy and Case Advisor” (now known as ERS). As such, we find that all decisions should have rested with AA.

112. PY confirmed in evidence that his role was to review, advise on initial steps and then open or register a grievance. In the Tribunal’s questions, PY accepted it was his responsibility to make sure the information is there in order to be able to register a grievance. We accept that his role is advisory, and that the role is to make sure the information is in the system. We are however not satisfied that it was his responsibility to obtain or locate the information. PY’s responsibility was to advise AA as to what information was needed and then to advise on next steps.

113. On 28 November 2023 the claimant updated AA and HR explaining that, on 26 November 2023, she had spoken to the Security Manager on duty at Terminal 5, “Eugene”. The claimant’s email states:

“...Eugene assured me that he would address this issue with the officer involved, highlighting the importance of proper protocol and respectful conduct”.

114. We find that the impression given by this statement as reported by the claimant is that Eugene knew the security officer involved (PX) and would speak to him.

115. AA forwarded the claimant’s grievance to HR on 29 November 2023 and sought advice as to next steps - [CB/596]. On 30 November 2023, PY responded to AA stating:

“It’s incredibly difficult to open a grievance against an unnamed colleague, the details are somewhat ambiguous also due to the fact that technically no badges are supposed to be worn on lanyards...”

116. PY went on in his email to suggest that AA approach Eugene to see if he could shed any light on the identity of PX.

117. In an email from the claimant of 6 December 2023, she explains that she has not had any response from HR, despite the fact that the grievance policy makes provision for a response within seven days – [CB/630]. AA simply forwarded that email on to PY and Jayson Anthony (JA) - [CB/598]. PY replied to AA asking whether she had passed on the information she and PY had discussed, namely that company process was being followed – [CB/597].

118. The first contact that the claimant had with PY directly was on 13 December 2023, raising a concern that she was yet to hear from him – [CB/630]. PY responded the next day at [CB/629], and the claimant replied, once again stating that Eugene was aware of PX’s identity - [CB/629-630].
119. On 15 December 2023, AA emailed Eugene (Adamah), asking him to telephone her regarding the incident on 26 November 2023 – [CB/610]. At this stage, no response was forthcoming. Later on that day, PY responded to the claimant, explaining that he had asked AA to try to find Eugene to speak with him and was waiting to hear back – [CB/628]. PY explained at this stage that it was this question of identity that was preventing the registration of the claimant’s grievance. PY chased AA on this day for an update on Eugene – [CB/600]. PY also emailed JA on this day, warning him that he may need him (JA) to reach out to Eugene if AA did not manage to – [CB/601].
120. By 17 December 2023, the claimant had spoken to AA, who informed her that she (AA) would follow up with Eugene; this was confirmed in an email from the claimant to PY on 17 December 2023 – [CB/627]. PY chased AA for an update on 18 December 2023, which she provided the following day, stating she was waiting for a response from Eugene - [CB/606/605]. Also on 18 December 2023, PY emailed FH, to keep her in the loop, given her role as Head of Employee Relations; FH replied with a suggested short response - [CB/603]
121. PY emailed the claimant on 21 December 2023 stating “we are doing all we can to identify the colleague” - [CB/627]. The claimant replied the same day stating she would be happy to go to Terminal 5 to speak to Eugene herself. At that stage, and in reply on 29 December 2023, PY suggested a face-to-face meeting as it appeared to him that the claimant was not accepting his position that a grievance could not be commenced/opened until the identity of PX was known – [CB/626]. The claimant declined the offer of a face-to-face meeting, having received some advice from ACAS – [CB/625].
122. On 26 December 2023, AA chased Eugene Adamah for a response to her 15 December 2023 email – [CB/608]. Eugene responded the same day, stating that he had tried to call in the last week, and that he had left a voicemail.
123. On 27 December 2023, JVS, the claimant’s union representative involved in this grievance, wrote to PY as follows:
- “I have concerns that 2 grievances don’t seem to have gained any momentum? Speaking to my colleagues we have concerns that this seems to be the common theme or a strategy to stop the grievances going ahead?...”
124. One of the two referenced grievances was the claimant’s. The following day, PY replied to JVS stating, within a denial that there was any deliberate plan to stall or stop grievances – [CB/617]:
- “...If there are fundamental details lacking then the normal course of action would be for me to respond directly to the individual asking for more or this to be requested via the manager who was sent the initial grievance email/letter. ...”
125. PY also replied to the claimant on 29 December 2023, stating - [CB/624]:

“Hi Zara,

I have attempted to explain to you the reasons however it is clear that you do not think this is acceptable. I would rather not simply repeat what I have already stated again via email so perhaps it may be beneficial if we look to arrange a face-to-face conversation?”.

126. This suggestion was met by, in our view, an overreaction by the claimant on 30 December 2023 - [CB/624-625]:

“Demanding the removal of the Palestinian flag from my lanyard is tantamount to finding my hijab offensive and insisting on its removal.

...

Given the criticality [sic] of the timeframe, ACAS has outlined two potential paths for resolution: reconciliation through ACAS or proceeding to the Employment Tribunal, I am deeply troubled that nearly five weeks have elapsed since I submitted my grievance, and the identification of the involved officer remains unresolved, despite evidence available through Eugene, the RAs logbook, or CCTV.

...

I am still deciding which of the two paths advised by ACAS that I will take.”

127. We consider that this email represents an escalation by the claimant, demonstrating that she felt she could no longer trust the senior officers at the respondent, making a veiled threat regarding legal action. The reference to “tantamount to finding my hijab offensive” is, we consider, not a reasonable leap to make. Objectively, at policy level, there is a difference between wearing a hijab (which is permitted) and wearing a badge (which is not permitted).

128. We consider that this communication from the claimant demonstrates her perception that she is a victim. Her feelings may very well have been real to her. However, objectively this email does not appear to be a proportionate response to the situation she was facing at the time. It is the claimant’s perception of her treatment by PY at this stage that was the catalyst to her perception of the respondent’s treatment of her from that time onwards. The claimant herself said repeatedly that if this grievance had been dealt with properly in her eyes, then “we would not be here” at the Tribunal.

129. Following this early grievance process, we find that the claimant viewed every action or omission by the respondent’s officers as confirming her perception that the respondent treated her and those who share an affinity with Palestine worse than others.

130. Returning to the chronology, on 1 January 2024, the claimant confirmed to PY that she was “seeking reconciliation” via ACAS – [CB/623].

131. Following a call on 2 January 2024, Eugene sent an email to PY and AA, explaining that, as the claimant could not identify PX, he had been unable to follow up with the correct Security Officer, as he was unaware of PX’s identity – [CB/608].

132. PY, on 4 January 2024, responded to say the offer of a face-to-face meeting remained open, and that the respondent had heard from Eugene as summarised above – [CB/623]. The claimant replied on 6 January 2024 stating - [CB/621]:

“Given Eugene’s failure to follow through on his commitment [to speak to PX], it is now necessary to resort to the review of CCTV footage and the RA log book for that morning”.

133. The claimant sent a further email to AA and JVS and others stating she was not fit to work – [CB/615]. She also set out a complaint that she was feeling “unsupported and neglected” by PY. AA simply forwarded this to PY on the same day – [CB/614]. PY told AA to undertake “DOC” (Duty of Care) and offer the claimant an appointment with Occupational Health. At this stage, PY involved his line manager, Jay Garrett (Employee Relations Manager, “JG”), for information. JG gave some wording of a suggested response.

134. The emails between the claimant and PY continued until PY emailed AA on 11 January 2024 as follows - [CB/619]

“This has escalated far beyond what I expected now and I had to call Eugene myself to get the details. Did you ever check the CCTV and get it saved?”

135. This indicates to us that it was AA’s responsibility as manager to seek any relevant CCTV (this is also in line with the policy as to who holds responsibility for the investigation).

136. On the same day, 11 January 2024, PY emailed the claimant on [CB/646], to confirm that he was still looking into the situation. At around this time, PY also had discussions with AA and Eugene about obtaining CCTV footage. Given the scale of the hours of CCTV footage that would need to be reviewed, it was considered not possible to look at the CCTV to pin down the identity of PX – [PY/2.24].

137. The claimant emailed PY on 14 January 2024 to ask for an update. PY responded on 17 January 2024 at [CB/643], stating that it had not been possible to identify PX. PY explained that the RA boards had been reviewed, but that there was no record of what specific archway the claimant had been assigned to on 26 November 2023, and therefore no record of the identity of PX. He went on to explain that analysing the CCTV was not possible given the lack of specifics regarding the archway or time of the incident. PY explained that “unfortunately due to the above it is not possible to fully investigate your claim”.

138. PY arranged to meet with JVS to discuss her case on 16 January 2024 - [PY/2.26]. This meeting eventually took place on 28 March 2024. PY reports that JVS agreed that the respondent had done all it could to explore the claimant’s grievance given the limit information. This was not refuted by JVS.

139. On 18 January 2024, the claimant emailed PY to explain that she had visited Terminal 5 and had:

“a strong feeling it was archway for lanes 12 and 13. If not then definitely archway for lanes 10 and 11. ... Please check CCTV for the time between 5:30am and 7:30am on 26/11/23” - [CB/663].

140. PY responded on 22 January 2024 explaining that the CCTV was no longer available (it is only kept for 30 days - [PY/2.27]), but that he would have a final try with the Resource Allocation sheets (“RA sheets/boards”) - [662].

141. On 25 January 2024, PY confirmed that he was closing the case on the claimant’s grievance, on the basis that they were unable to identify PX - [CB/660-661]. PY latterly admitted that he made a mistake when reviewing the

RA boards, and that PX's name had been missed as a potential match to the claimant's description of the name beginning with "D", as he was mistakenly identified as female - [CB/804].

142. The claimant responded to this email the following day at [CB/658-660], complaining about his conduct. PY's line manager, JG, responded on behalf of PY, setting out that he considered that there was nothing more that PY could have done in the circumstances - [CB/658]. He set out in summary that, as the alleged perpetrator could not be identified, the grievance could not be lodged.
143. There came a time latterly when the claimant was able to obtain the identity of PX. In March 2024, PY also managed to identify PX from the RA boards – [PY/2.33].
144. At the point of PX's identity being discovered, a grievance process was undergone, which included other grievance points as well. This grievance was dealt with by DS, and a grievance meeting was held with the claimant on 11 April 2024. The outcome of that grievance is found at [CB/818] dated 24 May 2024. The claimant appealed that outcome the following day - [CB/824]. The appeal hearing (known as a Stage 2 Grievance) took place on 5 July 2024, and was conducted by Jason Mcloughlin – [907]. The outcome is at [CB/979] dated 7 August 2024.

CCTV evidence

145. In relation to CCTV, it is the claimant's position that it would be very straightforward to find the CCTV. She said in cross-examination that it was just a question of looking up the correct date (26 November 2023), looking at who was on duty with the claimant on Terminal 5 that day then finding out with whom the claimant was paired. The respondent alleges that it was not so easy, particularly given that the respondent was unaware of the lane number or the time period at which this incident occurred on 26 November 2023. Specifically, PY in his witness statement records as follows – [PY/2.24]:

“As there was no specific time and area provided by [the claimant] it was simply not possible to review the entirety of the Terminal 5 concourse during her shift. In Terminal 2, at any given time, there are approximately 170 Security Officers working across 20 security lanes, however in Terminal 5 it is more (approximately 200 Security Officers and 33 lanes”).

146. When this was put to the claimant in cross-examination, she said she was not sure about the numbers.
147. The respondent says that the claimant did not divulge the lane number at which she was working on 26 November 2023 to the respondent, despite knowing. They base this on comments the claimant made in the claimant's appeal against the grievance outcome, dated 26 May 2024 – [CB/825/827]:

“Omitting the lane number was a deliberate choice, as it was reasonable to expect PY to gather this information as part of his investigation”;

“I never claimed ignorance of the lane number; I simply omitted it because it should have been common knowledge and part of PY's investigative process to obtain this information from the relevant department...If PY truly required this information from me, he should have requested it promptly, rather than waiting until after the deletion of the CCTV footage

or that it became inaccessible”.

148. This is an odd statement to make, and we are not satisfied with the claimant’s explanation that she did not know the lane number, in light of the fact she did not deny making the above comments. In the event, it does not impact the allegations directly, but is a peripheral point on credibility. We return to our previous findings that we do not consider the claimant to always be a reliable or credible witness. Here she has sought to distort the ordinary meaning of her own words to deny their obvious meaning.

149. The claimant’s case is that she found out the lane number by going to visit Terminal 5 on 17 January 2024. By this point however, the CCTV had been wiped, as it is only kept for 30 days.

Resource allocation boards

150. In order to run the terminals efficiently, the respondent uses RA boards, such as those at [592]. These show which Security Officers are on shift, their start and finish time, which terminal they are assigned to, and the times of their breaks. We can see, from [593], that manuscript amendments are made to these RA boards to reflect last minute changes (and additions of resource) made subject to the need on different terminals.

151. Latterly in PY’s process the RA boards for 26 November 2023 were checked, and the mistake mentioned above was made meaning that PX’s identity was not discovered until some months later. This was unfortunate.

Issue 2.1.1 - 27 November 2023 onwards PY failed to respond appropriately to the claimant’s grievance

152. The factual allegation at **Issue 2.1.1** is that PY failed to respond to the grievance appropriately as follows:

- “2.1.1.1 Delaying his response to the grievance by not acknowledging it within 7 days (but only after 17 days), not holding a grievance hearing at all and deciding not to progress the grievance for the professed reason that it was not possible to identify the security officer concerned (the Claimant says that insufficient attempts had been made to identify them);
- 2.1.1.2 Failure to investigate available CCTV promptly but only asking the Claimant for the lane number and time of the incident which would enable CCTV footage to be located on 17 January 2024;
- 2.1.1.3 Failure to take disciplinary action against the co-worker; (the Claimant has since identified the co-worker but confirmed that she is not including within this claim an allegation against the co-worker concerned);
- 2.1.1.4 Failing to take the grievance seriously including by failing to investigate the CCTV and failing to ask for the resource allocator’s logs to seek to identify the individual; and,
- 2.1.1.5 Closing the case without a thorough investigation or proper resolution (as set out above).”

153. At **Issue 2.1.1**, this is said to be an act of harassment. It is mirrored as an

act of direct discrimination at **Issue 3.2.1**.

154. **Issue 2.1.1.1** is made up of several constituent parts:

- 154.1. Failure to acknowledge the claimant's grievance within 7 days;
- 154.2. Not holding a grievance hearing at all;
- 154.3. Deciding not to progress the grievance on the basis that the alleged perpetrator was not identifiable.

155. In relation to the lack of acknowledgement, under the policy it is the responsibility of the manager, not the ERS, to respond to a grievance – [CB/449]:

“The manager should respond formally within 7 working days...”.

156. As such, we find that this was not a failure on the part of PY.

157. Regarding the suggestion that there was no grievance hearing at all, that is not so: there was a grievance hearing with DS in April 2024. In terms of PY specifically, it is common ground that PY did not hold a grievance meeting with the claimant. However, we accept that it was not his role to do so in any event. That is the reason PY did not hold a grievance hearing; this was not within the scope of his role.

158. In relation to the third part of **Issue 2.1.1.1**, it is right to say that the claimant's grievance was not progressed. We accept that the reason that the grievance was not progressed by PY was that the respondent had been unable to identify the alleged perpetrator. This is the reason why the grievance was not registered, or opened, by PY. Above, we have set out the plethora of email correspondence which is the contemporaneous evidence of the unfolding of this grievance. That contemporaneous documentary evidence supports the respondent's witness evidence as to the reason why the grievance did not progress under PY. There is no good evidence to undermine this reason.

159. Regarding **Issue 2.1.1.2**, we accept that there was a delay in attempting to investigate the situation regarding available CCTV, or even contemplating CCTV. We accept that there was no exploration of CCTV; the reason initially being that it was understood that Eugene would be able to provide the identity of PX. We find that the respondent dragged its feet in terms of getting in touch with Eugene; it was roughly 2.5 weeks between the grievance being sent it and Eugene being approached.

160. However, in terms of order of steps taken, we find that it was reasonable to wait to get Eugene's account before attempting to obtain the CCTV. As at the time of approaching Eugene, nothing was known about the location of the incident and so there could be no focused CCTV search.

161. In terms of obtaining the CCTV, we accept that the breadth of CCTV was so wide as to make it disproportionate to search the CCTV footage without being able to reduce down the scope of the necessary search by archway location or time period. The claimant argued that CCTV is routinely used, for example, to check if an employee had come to work on time. We do not accept that this is comparing like with like as it would be relatively easy to pinpoint the CCTV footage that needed to be checked for confirming an employee's

attendance: for example, five minutes before and after the due start time at the due location.

162. In summary, we accept that the reason why CCTV was not sought was that, initially, there was not considered to be a need as it was understood that Eugene would resolve the issue of PX's identity. Then, once Eugene had been spoken to, it was deemed not proportionate to check the volume of CCTV that would have been required to be checked. We accept DS' summary at [CB/820], that it would have taken many man hours and would therefore have been disproportionate. Finally, the CCTV was, in any event, not available.

163. Regarding **Issue 2.1.1.3**, factually there was a failure to take disciplinary action against PX. It was not PY's decision not to take disciplinary action against PX: this came at a later stage and was ultimately DS's decision, based upon the claimant's wishes that no further action be taken. As for the respondent's action (or inaction) at the time in early 2024, we accept that the respondent (PY specifically) did not progress matters further because the identity of PX was not known.

164. In terms of **Issue 2.1.1.4**, we have dealt with the point regarding CCTV above, at least in part. In terms of the allegation that the failure regarding CCTV indicates that the respondent did not take the grievance seriously, we do not accept that one point necessarily follows the other. In terms of the RA boards, we accept that the analysis of those sheets is not straight forward. The Tribunal cannot, by looking at the RA sheets, decipher the meaning of all the manuscript numbers in connection with the entries regarding and connected to the claimant.

165. However, we find that the RA boards would have been decipherable by the Resource Allocator ("RA") who produced those boards. It is unclear to us why the respondent did not locate the RA on duty on 26 November 2023 and ask him/her to interpret the meaning of the RA boards for that date.

166. We remind ourselves that the criticism in relation to the failure to review the CCTV and to properly consider the RA boards is that this demonstrates that the respondent did not take the claimant's complaint seriously. We accept that PY and AA could have acted more urgently and proactively to identify PX, by:

- 166.1. Contacting Eugene earlier;
- 166.2. Contacting the RA on duty to get them to explain the RA boards for 26 November 2023;
- 166.3. Asking the claimant for the lane number and time of the incident early on in the process.

167. However, this may be to require a counsel of perfection from the respondent. We consider that PY's actions, in his role as ERS (as opposed to the manager responsible) were reasonable. We therefore do not equate the fact that more could have been done to a finding that the respondent did not take the claimant's complaint seriously.

168. Returning to **Issue 2.1.1.4**, we reject this allegation on its facts. Although there was more that could have been done, and on occasion steps could have been taken more expeditiously, we are not satisfied that this demonstrated that the respondent was not taking the claimant's allegations seriously. We bear in

mind the volume of correspondence that we have seen on this matter, set out above.

169. Turning to **Issue 2.1.1.5**, regarding a thorough investigation, this is a subjective test: what one person considers thorough will be different to another person's view. We consider whether the respondent undertook an investigation that was reasonable in all the circumstances. At this stage we consider the respondent's two stage approach to grievances, in that there is a need to "register/open" a grievance before it then becomes a "grievance proper" and is investigated fully. It appears to us odd that the respondent has a pre-requisite of registering the grievance only if certain information is available. It may well be that, in a case where the identity of the perpetrator is unknown and a grievance proper takes place, the grievance is not upheld, however in our experience the normal process is to allow a grievance to be investigated. However, we accept it was the respondent's practice to uphold this two-stage approach and to close down grievances where there was difficulty in identifying the alleged perpetrator.

170. In light of that finding, the investigation only needed to go as far as the limited investigation pre-registration/opening of the grievance. We acknowledge that PY made a mistake in not identifying a "D" name on the RA boards as a male name. Other than this, we accept that, in the circumstances presented to him, PY did a reasonable investigation into identifying PY. There was however that one mistake.

171. In terms of closing the case without a proper resolution, we find that there was a proper resolution in light of the respondent's two stage process of registration before the "grievance proper". We accept that the respondent does not register a grievance without knowing the identity of the alleged perpetrator. In light of the fact that PX's identity was not discovered within a reasonable time, it was reasonable to close the grievance down as PY did.

172. In summary of **Issue 2.1.1** therefore, we find as follows:

172.1. **Issue 2.1.1.1** is upheld on the facts, in relation to the lack of grievance hearing held by PY and the decision not to progress the grievance;

172.2. **Issue 2.1.1.2** is upheld on the facts in that there was a delay in considering the CCTV;

172.3. **Issue 2.1.1.3** is upheld on the facts, in that no action was taken against PX;

172.4. **Issue 2.1.1.4** is rejected;

172.5. **Issue 2.1.1.5** is upheld on the facts, given that a mistake was made over the identity of PX on the RA boards.

173. We consider the reason for those elements of **Issue 2.1.1** that we have upheld on the facts further in our conclusions – see paragraphs 385-395.

Issue 2.1.2 - 26 February 2024 – the manner in which the claimant was treated on the en-haNCE network Race Equality Matters call

174. En-haNCE is one of five diversity networks run at the respondent, and is the network that relates to culture and ethnicity – [AJ/1.3]. AJ and Shivani Patel (SP) were the two leads of the en-haNCE network at the relevant time. The claimant joined en-haNCE a week before being invited to be part of a Race Equality Matters Teams meeting, hosted by en-haNCE. When discussing this meeting at the grievance hearing that took place with DS on 11 April 2024, the claimant said at [CB/759]:

“I had my [underlying] feeling after my incident and Ukraine badges, thought by bringing this to the attention can be spoken about and addressed.”

175. The claimant was referring here to her view that there was a disparity in how those wearing Palestinian flag badges and supporting Palestine were treated compared to those wearing the Ukraine flag badge and supporting Ukraine.

176. On 26 February 2024, there were a total of 72 individuals on the Race Equality Matters Teams meeting; the claimant accepted that those participants were likely to have represented a number of different nationalities. She also accepted that there would have been some attendees on the call who felt supportive of Palestine, some who were supportive of Israel, and some who, in her words, “didn’t know much about the conflict to [be able to] have an opinion”.

177. In terms of the respondent’s case on this Issue, AJ was the relevant witness. Going into the 26 February meeting, AJ did not know the claimant personally, and did not know about her grievance or Tribunal claim – [AJ/1.6]. She did however know that “two or three colleagues had been posting about global conflict issues on Buzz in advance of the webinar and that [the claimant] was one of” them. The facilitators of the meeting were Allen Shibu and Karen Jones, and the panel members were Sharon Prior and Dale Reeson.

178. In her oral evidence to us, AJ told us that she was not moderating the call, she was speaking as one of the panel members and was co-lead. Looking at the minutes on [CB/670], AJ only speaks once at the beginning and once at the end of the meeting. That is consistent with her witness statement which identifies her as introducing and closing the call. We find that she was not one of the people answering the 5 questions (she was not a speaker): she was there having organised this with SP in their role as enhaNCE committee members. AJ accepted that it was possible for those moderating the call to mute participants and control the Slido input, but that they were not able to disable someone’s mute button. We take judicial notice (as agreed by the parties) that the administrator of a Teams call has the power to mute participants.

179. We were asked by the parties to watch the last five minutes of the Teams recorded meeting which covers this allegation; we did so on Day 1. It shows the claimant saying “Can I be a voice?” and then being disconnected from the call. When she rejoins, she is muted. She can be seen signalling trying to get onlookers’ attention, without success. The transcript of this meeting appears at [CB/670].

180. The format of the meeting was that there would be five set questions that the panel members (Dale Reeson and Sharon Prior) would discuss. There would then be a Q&A session when delegates’ questions would be put on the screen, and the panel would be given a chance to provide an answer.

Questions could be submitted by delegates via the Slido function. Therefore, the idea was that no delegates would actually speak during the session. This was explained in the meeting, as can be seen in the transcript – [CB/671].

181. We consider the following parts of the transcript/recording to be pertinent:

181.1. Towards the beginning of the meeting, Allen Shibu (“AS”) went through some housekeeping matters, including stating “we request if you could please put your microphones on mute” - [CB/671];

181.2. AS at that stage also set out the protocol for delegates to ask questions, namely via a Slido and a Q&A page. The questions on Slido needed to be reviewed and approved by the moderators before being put forward for the Q&A session at the end – Slido link at [CB/687];

181.3. At [CB/676], we see that two individuals who are not named but labelled “F1” and “F2”, and so are not moderators, panellists or leads, said a line each and appear to then have been muted (looking at the video);

181.4. At [CB/688], about half-way through, in the concurrent Teams Chat, the claimant stated:

“The call has been really amazing to hear so far and I resonate with so much of it. At the end of the 5 questions please please please can you give me the opportunity to also contribute how I feel”;

181.5. In response in the Chat, AJ wrote – at [C/689&690]:

“Thank you so much – there will be a Q&A at the end. Please submit any views/questions through Slido”;

181.6. This was followed by the claimant posting in the Chat the question - [CB/689]:

“Why can we fundraise to support white Ukrainian lives but we cannot fundraise to support Arab Muslim lives?”; and,

“Why are security officers penalised for wearing a Palestinian flag? (Considering over 40,000 people mostly children have been killed) but we are encouraged to wear the Ukrainian flag?”

181.7. We can see that the claimant posted the first question cited above on Slido. All questions submitted to Slido were subject to review; the claimant’s question was still waiting for review at the time the screenshot was taken at 1112hrs – [CB/150].

181.8. After the end of the five prepared questions and the Q&A session, when AS was closing the meeting, the claimant interrupted him saying “please can I be a voice?” - [CB/685]. In response, SHP said “I think Zara. Ah, go on”, and AS said “Yes, go on Zara”;

181.9. At that stage, it appears on the video that the claimant’s connection was broken. Initially she appears when she initially speaks, then her picture disappears and just her initials can be seen as she continues to speak.

Then her thumbnail picture disappears altogether. She alleges that this was a deliberate removal of her by the moderators. We do not accept that suggestion: the piecemeal nature of the claimant fading from the call suggests to us a technical error rather than an instant removal. Further, if the moderators' intention was to make sure the claimant could not be heard, there would be no need to remove her from the call altogether; they could just have muted her. In any event, both SHP and AS seem to encourage the claimant to speak. We have no good evidence that the claimant's exit from the call was a deliberate act by the moderators: this may be the claimant's belief, but it is based on speculation.

181.10. Once the claimant rejoined the call, her microphone/mute button was not working. She alleges that this was a deliberate act on the part of the moderators, to disable her mute button so she could not unmute herself.

181.11. At the very end of the meeting, SP said "Ok Zara, we'll give you a call straight after" - this is at the appendix to AJ's witness statement, at page 119 of the Witness Statement Bundle, which is an agreed minute of the very end of the Team meeting.

182. The respondent accepts that the claimant was muted at the point at which the claimant rejoined the call having been cut off from the meeting. This was confirmed in AJ's evidence to us.

183. We note that this acceptance of muting is contrary to what AJ said in her witness statement – [AJ/2.15]:

"...at no point was [the claimant] muted deliberately as a result of the comments that she was making or was there any attempt to try and deny her attempts to participate in the call".

184. We have seen a screenshot with the claimant's microphone button is a grey colour: we accept that this means she was muted and was unable to unmute herself – [CB/153]. We further accept that the respondent's moderators (those individuals who had set up the Team meeting) had the ability to mute/unmute the claimant. We accept that someone from the respondent with the permissions required to mute delegates did indeed mute the claimant on her re-entry to the meeting.

185. After the conclusion of the meeting, the claimant continued to post in the Team Chat for that meeting, posting as follows at 1120hrs – [CB/693]:

"Why have you noted me

Mute*

I have been muted

This is outrageous

This is really disappointing

There is no benefit in this group

I was so happy to hear everything

But now I feel that it's fake

Thankyou"

186. At 1127hrs she posted – [CB/693]:

"Thankyou for laughing at me and muting me

You are bullies".

187. At 1131hrs, AJ got in touch by private Teams message. The exchange at [CB/697-698] was as follows:

AJ: Hey Zara, apologies for the confusion – all colleagues stayed on mute during the call and all views and questions were asked to go through Slido.

AJ: Happy to take through any concerns with you

C: No they didn't

C: I saw the button suddenly became disabled

C: I have screenshots

AJ: Happy to talk through any concerns with you privately

C: What was the point in saying speak up if you were gonna do that

C: Thanks Anjali

AS: I'm really sorry you feel we've shut you down – let me know if you're free for a call

AS: Happy to take your views to Dale and Sharon

188. 1142hrs AJ typed a response on the Teams Chat for the meeting – [CB/695]:

"Hey Zara, we're really sorry that you feel this way and I'm sorry you felt you couldn't share your views. Shivani and I [are] very happy to speak to you directly and to relay your views to the business. We've tried ringing – please let us know when you're free for a call".

189. In response, at 1150hrs, the claimant typed in the Teams Chat for the meeting at [CB/695]:

"Why did you delete this video"

190. The answer from SP is "Hi Zara, we'll be sharing the video soon with our calls to action". In terms of the video recording of the meeting, we have a screenshot showing the recording at both [CB/696] and [CB/157] on the Teams chat. At [CB/158] we have a document that has been produced by the claimant, attaching a screenshot she says demonstrates that the video had been removed and the link to the video was defunct: this screenshot is from a SharePoint drive. The claimant's evidence is that this was what clicking on the recording in Teams led her through to. However, there is no reference on CB/158 regarding to what this defunct link refers: there is nothing on the face of it to connect it back to the Teams video recording. We also note that the

parties have produced the video as part of the disclosure in this case. On balance, we are not satisfied that the video recording was deleted.

191. At 1206hrs on the same day, the claimant posted a public post on Buzz – [CB/699]:

“Race Equality at its Finest by En-Hance

Please avoid requesting our voices while maintaining it’s a safe space, especially when you declined my question request but accepted others and purposely disabled my unmute button, unlike anyone else. Additionally, laughing at my attempts to get your attention to unmute me was quite disrespectful. I possess evidence of these occurrences.

I have never encountered such insincerity before.

As a respectful and kind individual, I patiently listened to everyone’s opinions. However, you chose to humiliate me, undermining the voices and experiences of Arabs and Muslims.

The fact that you promptly deleted the recording further confirms this”.

192. In the afternoon of 26 February 2024, at 1404hrs, an internal conversation took place between Sharon, Dale, SP and AJ, in which AJ explained what happened at the end of the Teams meeting with the claimant – CB/702:

“We knew she was going to raise the current conflict in Palestine/Israel so we tried to mitigate against this and stick to the agenda as we know the business is not commenting on it. We did what we thought was best in that moment – but we are also learning and maybe it could have been handled better. We have reached out to her and spoken to her – we’ve also offered a call to discuss her concerns and see how we can help. She thanked us for offering the call but is angry so we just need to let her cool down now. ... Since her post on Buzz – internal comms have reached out to us as they would like to delete the post as colleagues aren’t allowed to speak about conflicts on Buzz – we have asked them to keep it on Buzz as we don’t want her to feel silenced again. Shivani and I are working on a response to her on Buzz from the enhance account”.

193. The communication mentioned regarding the internal communications team is found at [CB/703], in which it is confirmed that the claimant’s Buzz post would not be deleted. AJ’s reaction to this is to say:

“...they wanted to delete the post and we said no
...we don’t want her to feel silenced”.

194. Turning to the distinct issues in this allegation, they are that the moderators:

- 194.1. Ignored the claimant’s question;
- 194.2. Removed her from the call;
- 194.3. Disabled her unmute button;
- 194.4. Ignored her attempts to participate; and
- 194.5. Deleted the video recording of the meeting.

195. First, ignoring the claimant’s question. We do not accept that the respondent ignored the claimant’s question. They reviewed it and decided not to approve it on the Slido screen. This was because it was outside the remit of the meeting and going outside the Global Conflict Policy. AJ told us that this meeting was not the right platform for the claimant’s point to be aired - that point being:

“Why can we fundraise to support white Ukrainian lives but we cannot fundraise to support Arab Muslim lives?”

196. We accept that the question was not an appropriate one for this particular forum. From the claimant's question on Slido and from her Teams chat, it was clear to the respondent's employees that the claimant's aim in asking a question was to vent her concerns about the perceived discrepancy in the respondent's approach to Ukraine versus Palestine. We accept AJ's evidence that discussion of specific conflicts was not the purpose of the Teams event – [AJ/2.11].
197. We consider that the respondent did not ignore the claimant's question. The question was considered but deemed inappropriate for this particular meeting. We therefore reject this allegation on the facts.
198. Second, removal from the Teams meeting. We are not satisfied that the respondent proactively removed the claimant from the meeting. As such, we reject this allegation on the facts.
199. Third, disabled her mute button. We accept that the respondent did mute the claimant on her rejoining the call, and that the claimant was then unable to take herself off mute.
200. The reason for this conduct was because of the respondent's employees' genuinely held belief that the claimant was going to talk in a manner contrary to the Global Conflict Policy. This was a reasonable conclusion to reach, on the basis of the communications that she had been sharing on Slido and on the Teams chat. As such, the respondent's employees were enforcing the Global Conflict Policy, by ensuring that no-one said anything that marginalised, excluded or blamed another group of people.
201. Fourth, ignoring the claimant's attempts to participate. There are two aspects to this. First, before the claimant is cut off, we find the respondent attempted to engage with her by SHP stating “I think Zara. Ah, go on” and AS saying “Yes, Go on Zara”. Second, when the claimant rejoins the call, she is not ignored. The claimant was muted, but the respondent's employees say that they will call her afterwards. We find that this was a way of managing the situation and enforcing the Global Conflict Policy, not of ignoring the claimant.
202. Fifth, deleting or hiding the video. We are not satisfied that the recording was deleted. We accept AJ's unchallenged evidence on this point at [AJ/2.23]. As such, we reject this allegation on its facts.
203. In terms of why the respondent's employees acted as they did on this Teams meeting, the claimant accepted in cross-examination that it was possible that the moderators acted in the way they did during this Teams meeting as they believed they were enacting the Global Conflict Guidance. This was on the basis that they understood from the claimant's communications that she wanted to raise a comparison between the support given to Ukraine compared to Palestinians at corporate level. The claimant accepted in her questions that this was indeed her intention.

Issue 2.1.3 - 29 March 2024 – Good Friday post removed

204. On Good Friday, 29 March 2024, the claimant posted the following on Buzz with the title “Wishing my Christian brothers and sisters a blessed Friday #GoodFriday” – [CB/729]:

“Interesting fact:

According to the New Testament, Jesus was crucified at a spot near Jerusalem called Golgotha, which in Aramaic means a “place of the skull”. The Latin word for skull is calvaria, and in English many Christians refer to the site of the crucifixion as Calvary. This crucifixion is said to of [sic] happened at the site of the Church of the Holy Sepulchre, in Jerusalem, Palestine. A reminder to pray for the land of Jesus and his people. Pray for Palestine”.

205. The relevant page of the data regarding the claimant’s Buzz feed is at [CB/731], which shows that this particular post was reported three times. It also contained one of the respondent’s keywords (Palestine). It was automatically hidden, then moderated and deleted on 2 April 2024 (after the Easter bank holiday).

206. At the stage of the post being temporarily removed having been flagged for moderation, the claimant reposted the same wording two further times, at 0838hrs on 29 March and on 30 March at 0917hrs - [CB/731]. The second post was reported three times and again automatically hidden, then moderated and deleted on 2 April. The third post on 30 March was automatically hidden due to containing a keyword (it was only reported once). It was moderated on 2 April and was not deleted.

207. On 2 April 2024, the first working day after the bank holiday, CC responded to an enquiry from the claimant as per the message at [CB/737]. This explained that the claimant should have received an automated message explaining that the posts had been hidden because colleagues had reported them. He also explained that reposting the same post is against the Buzz guidelines: we can see this particular guideline on [CB/539]. He concludes by explaining that two of the three identical posts were deleted, but one remained in place.

208. Going back to the allegation under **Issue 2.1.3**. The two identical posts on 29 March were automatically hidden on 29 March because they had been reported three times. The post on 30 March was automatically hidden as it contained keywords.

209. On 2 April, there were therefore three duplicate posts for the Communications Team to moderate. Two were deleted, and one was allowed to remain. This is explained by CC in a contemporaneous email of 2 April to JS and Nigel Snowball at [CB/741]:

“This morning we decided the comment was ok to stay up but as she posted the same message multiple times this was against Buzz Guidelines so we would delete all but one of them”.

210. We find that the wording of the two posts on 29 March was not permanently deleted on 29 March 2024. The two posts on that date were temporarily hidden then deleted on 2 April 2024: they were deleted then as it was contrary to the

Buzz policy to have the same message posted multiple times. One of the three identical posts was allowed to remain on the claimant's Buzz profile as above.

211. Therefore, we reject the allegation that the post was permanently deleted. If in fact this Issue covers the allegation that the post was temporarily hidden from 29 March until 2 April, then the reason was because the posts on 29 March 2024 were reported three times. As such, the automatic removal of those posts was because of the Buzz policy that posts reported three times will be temporarily removed. If this Issue is wide enough to cover the post of 30 March 2024 being temporarily hidden, this was because of the keyword policy, whereby posts with keywords are automatically hidden for moderation.

Issue 2.1.4 - 2 April 2024 – the respondent banned the claimant from the internal communications platform “Buzz” for 5 days starting 2 April 2024

212. Factually it is agreed that the claimant's Buzz account was suspended for a period of time in April 2024. This suspension followed on from the events regarding **Issue 2.1.3** above.

213. In response to CC's explanation at [CB/737] and cited above, the claimant replied to CC's comment at [CB/738], stating in that message:

“Please don't lie – it just make [sic] you look worse. ...”

214. CC deleted this post, and posted his own response, saying that the Team was not lying – [CB/739]. The claimant went on to repost her post saying “Please don't lie” - [CB/742] (“she again posted the same comment I had just deleted”), confirmed in [CC/4.4]. As set out under **Issue 2.1.3** above, to post the same post multiple times is a breach of the Buz Guidelines.

215. Following on from this message, CC took the decision to suspend the claimant's Buzz account. We accept CC's account at [CC/4.3-4.5] that he was taken aback by the claimant's allegation of lying, and also concerned about the claimant's repeated breaches of the Buzz Guidelines. This account is supported by the contemporaneous explanation CC sent to JS and Nigel Snowball at [CB/741] (cited above). In evidence to us, CC explained that he often acted to protect employees from themselves, and from disciplinary action, by suspending their accounts before they could post something that would warrant disciplinary steps being taken. We accept that, in the claimant posting “please don't lie”, she had made an accusatory comment regarding the Communications Team. This was compounded by the breach of Buzz Guidelines in having already reposted the Good Friday post multiple times, and then also reposting the “please don't lie” post.

216. The claimant explained to us that her message “please don't lie” was polite and so not a breach of Buzz Guidelines; she stated that she did not call anyone a liar. We do not accept this. We find that to distinguish “please don't lie” from calling someone a “liar” is disingenuous: saying “please don't lie” is tantamount to calling that person a liar.

217. We therefore find that the claimant's Buzz account was suspended, and that the reason for this was the claimant's breach of Buzz Guidelines in both the multiple posting of her Good Friday post and the posting (and reposting) of the “please don't lie” post.

Issue 2.1.6 - 10 April 2024 – Eid post deletion

218. The claimant's allegation at **Issue 2.1.6** is that:

“On 10 April 2024, [the respondent] deleted the claimant's Eid post about how she had been treated”.

219. The claimant confirmed in her evidence to us that the post to which this allegation refers is at [CB/784]. The respondent accepts that this post was deleted. The post reads as follows:

“Eid-al-Fitr in the Muslim world used to be a joyous occasion when families got together to celebrate the end of Ramadan. This year countless Muslim families gather to mourn their dead and bid farewell to the next martyr.

Interesting fact:

Islam teaches that “Muslims are like one body of a person; if the eye is sore, the whole body aches, and if the headaches [sic], the whole body aches”.

This is what causes a Muslim from China to be concerned about the issue in Palestine, or a Muslim from America to be concerned about the Uyghurs in China.

This Eid we pray for an end to the suffering and genocide in the world, this Eid we pray for the millions of children that have been orphaned and we pray for their smiles and safety to return”.

220. As part of the claimant's grievance process with DS, she asked him to explore the reason for the deletion of that post. This led to DS communicating with CC about this matter, which in turn led to the communication we see at [CB/807]. In that email, CC explained that there are certain keywords which at that time led to a new post (as opposed to a comment on an existing post) being automatically hidden (as we have set out above). The keywords were as follows:

“Gaza, Palestine, Israel, Israeli, Palestinian, Palestinians”.

221. CC was asked whether “Ukraine” was a keyword, to which the answer was “no”.

222. As the claimant's post included a keyword, “Palestine”, it was automatically hidden for moderation. CC then considered the post and found that it was in breach of the Global Conflict Policy as it then was (see [591/536]). We note that this deletion was before the relaxation of the policy in July 2024: at this time, the policy still stated that:

“...personal views on conflicts must not be shared on Heathrow internal communications channels...Any posts or comments that breach this will be deleted, and line managers informed”.

223. We accept CC considered the post to be in breach of the Global Conflict Policy. In fact, we find that this post was in breach of the policy as it stood in April 2024: it mentions global conflict and provides a personal view on that conflict.

224. We find that the reason the claimant's post was deleted was because it was considered to be, and indeed was, in breach of the Global Conflict Policy, as set out in [CC/5.3].

Issue 2.1.5 - 24 May 2024 – the decision to reject the claimant's grievance by outcome from DS

225. In March 2024, the claimant managed to identify PX and approached him personally on Buzz via private messages. Once his identity was known, the claimant's grievance from November 2023 was revived and DS was invited to undertake the role of grievance officer.

226. DS held a grievance investigation meeting with the claimant on 11 April 2024 – notes at [CB/753]. The meeting started at 2108 hours and ended at 0049 hours: it was 3 hours 41 minutes long. The claimant's grievance points were set out at the commencement of the grievance meeting. They are recorded at [CB/754] and in summary are as follows:

- 226.1. The complaint against PX as originally raised on 27 November 2023 ("Point 1");
- 226.2. The complaint in terms of PY's handling of the grievance in November 2023 through to January 2024 ("Point 2");
- 226.3. The complaint regarding the Race Equality Teams call and the claimant being prevented from asking questions ("Point 3"); and,
- 226.4. The complaint about the respondent's deletion of posts regarding Easter and suspension from Buzz ("Point 4").

227. In DS's investigation, he had statements from JS, Adam Sunderland (Head of Equality, Diversity and Inclusion), DG and CC. He held meetings with PX, PY and AJ. We consider that this was a reasonably conducted investigation.

228. We find that, in the provision of his evidence to this Tribunal, DS was thoughtful and reflective. We find that he was careful in both the manner in which he dealt with the grievance, and the manner in which he gave his evidence to us.

229. DS's outcome letter is at [CB/818] and is six pages long. It covers the four points that the claimant raised in her grievance in a reasonable amount of detail. The letter demonstrates a reasonable consideration of each of the four points the claimant raised in her grievance and discussed in her grievance meeting. We do not accept that the claimant's complaints were trivialised.

230. The outcome disclosed that DS upheld in part Point 3 as he found that the Teams call could have been dealt with "in a more sympathetic way" - [CB/821]. The other three points were not upheld.

231. We find that the reason why DS rejected the majority of the claimant's grievance was that this was the conclusion that the evidence before him led him to, following a reasonable investigation.

232. Following this outcome, the claimant appealed that decision - [CB/824]. She did not however complain that DS was, in his decision making, influenced by the claimant's race or religion. The only reason the claimant proffered as a

reason why she thought DS may have found against her was career progression: her suggestion was that DS would not “rigorously challenge” the decision of his superior, to avoid damaging his future prospects - [CB/825].

233. When asked about the failure to mention in her appeal that she considered DS to have discriminated against her, the claimant explained that she felt that the appeal officer would understand that she meant that she had been discriminated against on the ground of her race and religion because he too was a Muslim. This to us seems non-sensical and baseless; we do not accept this rationale as to why the claimant did not raise discrimination expressly in the appeal. There is therefore no contemporaneous evidence that the claimant herself genuinely believed that the DS’s response to her grievance was in any way influenced by or connected to her race/religion.

234. The claimant does now complain to this Tribunal that DS’s decision was an act of discrimination or harassment on the grounds of race or religion (her affiliation to Palestine). When asked why the claimant believed that DS’s decision was influenced by her race/religion, she told us that she felt that DS was siding with PY’s (alleged) treatment of her. When it was put to the claimant that DS was not acting in connection to her race or religion, the claimant’s answer was “I am not convinced”.

235. We will return to the reason for DS’s grievance decision in our Conclusions at paragraphs 416-422 below.

Issue 2.1.7 - 24 June 2024 – PZ stated “Have you got approval to wear that thing on your head” (indicating the claimant’s hijab), “But your children are safe aren’t they?” (as though the claimant did not need to worry about the children of Palestine) and that the claimant needed to focus on her own kids

236. PZ was at the relevant time a Security Training Officer. On 24 June 2024, the claimant attended a training course delivered by PZ: this was the first time the two individuals had met. PZ did not know the claimant’s nationality, but concluded that she was Muslim due to the fact that the claimant was wearing a hijab – [PZ/2.1]. The claimant was wearing her black and white chequered hijab.

237. The training session was attended by around 11 Security Officers and was to cover aspects of their mandatory refresher security training – [PZ/2.2]. At the beginning of the session, PZ started with asking whether the delegates were enjoying working at Heathrow and asked them to share their experiences. The claimant answered, stating that she liked the flexibility of the work and how it allowed time for her to care for her children. She then however continued to explain how she felt let down by Heathrow, that she felt that there were double standards applied to different religious groups. She went on to discuss the perceived disparity in the support for Ukraine versus the support for Palestine demonstrated by the respondent. These facts are broadly agreed between the parties, looking at [PZ/2.5], the claimant’s grievance at [CB/888], and both individuals’ interviews for the grievance - [CB/919] and [CB/993] respectively.

238. Looking at the contemporaneous evidence of the claimant’s complaint of 25 June 2024, she then alleges that PZ said “But your children are safe, aren’t they?”, the suggestion, the claimant says, being that she did not need to worry about the children of Palestine - [CB/888]. The claimant then alleges that PZ

was talking about the claimant's career intentions, saying "Well then, you're not a tree, you can move". Finally (of relevance to this Issue) the claimant asserts in her complaint that PZ questioned "the appropriateness of [her] hijab, asking in an intimidating manner if it had been approved by an SMP and doubting its authenticity" - [CB/889]. The claimant did not record in this complaint that PZ had used the phrase "that thing" in relation to her hijab.

239. This grievance was subject of a grievance meeting held with the claimant on 6 July 2024, chaired by Raksha Chadha (RC). The notes of this meeting are at [CB/919]. In that meeting, the claimant recorded that PZ said to her - [CB/920]:

"Have you got approval from an SMP to wear that on your head?...I do not know what it is called but it must be a one block colour."

240. It transpired in that grievance meeting that the policy on hijabs was that they should be of one block colour (not necessarily black or blue) – [CB/920-921]. Despite the claimant now being aware of this policy as of 24 June 2024, she was at the meeting still not wearing a hijab of one block colour. This was highlighted to her and her response as to why she was still wearing it was - [CB/921]:

"Because no one has spoken to me about it".

241. This demonstrates to us that the claimant was content to be in breach of the rule unless and until someone confronted her about it.

242. At this point, the claimant highlighted that no-one had asked her to comply with the one block colour policy prior to this interaction with PZ, and so she queried why it was being enforced at this stage.

243. On 5 August 2024, the claimant asked for an update on her grievance by email to RC. In that update she stated:

"I am writing to request an update regarding the situation involving the trainer and her troubling comments that reflect racism and hatred towards Palestinians".

244. In relation to this statement, it was put to the claimant in cross-examination that she had escalated what had happened. The claimant answered:

"No, I had had the time to process it and I understood that this [race] must be why she treated me like this".

245. That to us demonstrates a recasting of memory in the claimant's mind, and compounds our earlier findings that the claimant, over time, is prone to hyperbole.

246. PZ was interviewed as part of the grievance process on 26 August 2024: the notes are at [CB/993]. In terms of any comment about the claimant's hijab, she said she noticed that the claimant's hijab was not in line with policy as it was not a single block collar. PZ told the claimant that the pin on her headscarf was loose and might hurt, and asked "if her line manager was aware that her headscarf was not uniform standard" - [CB/994]. PZ said she was discreet in this comment, whereas the claimant responded loudly. We note that PZ called

the claimant's hijab a head scarf or scarf in the grievance interview. In terms of the comment about the claimant's children, when that was put to PZ, she said that she did not recall saying such a thing and she did not think she would. She accepted saying "come to work and do your bit, and then focus on your children" - [CB/995].

247. Another witness, Riprandeep Singh Sandhu ("RSS") was interviewed as part of the grievance process: the notes are at [900]. In those notes, RSS answered the question "Did you at any point feel as anyone was being disrespectful and rude to [the claimant]?" with "I don't really think so" - [CB/901]. He also denied that he felt PZ was intimidating the claimant, although he did think PZ was discriminating against the claimant - [CB/902]. In terms of the specific dialogue forming the basis of the allegation here, RSS said he did hear PZ say "but your children are safe aren't they". RSS also recorded to RC that "[PY] went to [the claimant] and said you are not allowed to wear that coloured hijab". We note that RSS gives a slightly different account in his (unsigned) witness statement, however we are not able to give this statement much weight, given that RSS did not present himself for cross-examination. We do however notice that RSS says at [RSS/7] that the claimant had previously discussed her attire with management and it was permitted. This appears contrary to what the claimant says in her own grievance meeting, that no-one had spoken to her about her hijab.

248. In terms of the content of RSS's statement, the facts set out are not dissimilar to those agreed across the two parties, in terms of what PY and the claimant said on 24 June. RSS states in RSS/8:

"At this point, it became apparent that the trainer was singling out [the claimant] due to her views and her ongoing concerns regarding [the respondent's] policies".

249. It is not clear to us upon what evidence RSS based that assertion regarding the reason for PZ's comments.

250. The grievance outcome letter is found at [CB/1028]. RC found that the statement regarding the claimant's children was made. However, RC went on to find that this was not said in a manner to dismiss the importance of Palestinian lives or undermine the claimant's feelings. In terms of the hijab comment, RC established during the investigation process that the uniform policy regarding hijabs had changed to allow any one block of colour in 2020: the claimant was therefore in breach of that policy by wearing a two-tone hijab. RC concluded that the reason PZ raised the issue of the claimant's hijab was because she genuinely believed the claimant's hijab did not meet the respondent's uniform policy, given it was black and white chequered - [CB/1031].

251. Turning to both PZ and the claimant's statements. The claimant covers this allegation in [C1/32]. She alleges that PZ mocked her hijab by calling it that "thing on your head", and "made hostile remarks about [the claimant's] concern for Palestinian children". In [C2/3.5.2], the claimant alleges that PZ stated "have you got approval to wear that thing on your head?", then in [C2/3.12.2], she sets out the words "but your children are safe aren't they?".

252. PZ in her witness statement says she made the following comments -

[PZ/2.7-2.10]:

252.1. “I thought it was better to stay neutral on political and religious issues whilst at work” particularly staying neutral on Buzz;

252.2. She suggested the claimant “could possibly look to work in another role within the business and that this may make her happier”;

252.3. She used the phrase “you are not a tree, you can move”;

252.4. She believes that, whilst at work, individuals should focus on that;

252.5. She did not recall making the “children” comment and did not believe it was something she would say.

253. PZ continues in her statement to explain the next part of their interaction. After an initial exchange between PZ and the claimant, PZ then received a telephone call, in which PZ was told that the claimant was needed for another meeting. At this point, PZ says that she had noted that the claimant’s hijab was not in keeping with the respondent’s uniform policy: she understood that hijabs had to be one block colour. The claimant was wearing a two-tone hijab. PZ asked the claimant whether her hijab had been approved by her line manager; she also suggested that the claimant adjust her pin in her hijab, so it was no longer loose. PZ denies making the specific comments within this allegation - [PZ/2.12-2.13].

254. We accept that the initial conversation between the claimant and PZ veered into something that PZ had not anticipated, and as such she was ill-prepared to deal with the conversation as it unfurled. PZ accepted in evidence that she could have handled the situation better and appeared contrite in her answers to the claimant’s questions. We accept that PZ was not equipped to deal with such issues being raised as they would not be anticipated as arising in the course of her training session. As such, we accept that she could have deal with the situation better.

255. We accept that PZ made the comment about the claimant’s children. Clearly there was discussion about the claimant’s home/family life in the first part of the conversation between the two individuals. This was in the context that the claimant and PZ had both been discussing their family, and the claimant had mentioned her role as a mother several times. We find that PZ did not say this in a manner to be dismissive of the claimant or her concerns for the children of Palestine. PZ was attempting to bring the session back on track by focussing on the positive, and the claimant’s own life, attempting to bring the conversation back to work.

256. The claimant has drawn an unreasonable inference from PZ’s words. The claimant accepted that PZ did not say anything explicit about the children of Palestine. The link is drawn purely in the mind of the claimant. We note also (as we did at the beginning of this judgment) that the claimant’s response to this incident became markedly dramatised in her report to her psychiatrist in April 2025, in which she refers to PZ as follows – [CB/1215]:

“...she had laughed off my concern for Palestinian children, dismissing them like they were

worthless, and told me coldly:

“You don’t need to care about them. Just focus on your own kids.””

257. This is not the complaint that the claimant made in her grievance, nor is this how the matter is recounted in her witness statement. We find that the claimant’s account has been hyperbolised for the benefit of her psychiatrist.

258. Regarding the second part of this allegation, “have you got permission for that thing on your head”: we do not accept that this was said. The wording “that thing” does not appear in the claimant’s contemporaneous complaint in June 2024. It appears in the claimant’s email for appeal on 13 September 2024 – [CB/1049]. It also appears latterly in the claimant’s account to her psychiatrist 10 months after the event – [CB/1215]. We find that the claimant’s allegation became more severe as time went on. HadPZ used the words “that thing on your head”, we consider that this would have been recorded by the claimant in her complaint emailed the morning after the day of the incident - [CB/888].

259. We accept that PZ did say something like “have you got permission to wear that headscarf”. This is consistent with the majority of the contemporaneous evidence from both the claimant and PZ. We are satisfied that PZ asked this question because she was aware of the policy that hijabs be of one block colour, and that the claimant’s hijab was not in line with that policy. We accept that PZ raised the issue to avoid the claimant getting into trouble, particularly knowing that she was about to go into a meeting with two senior managers. The claimant asserts that it was particularly the tone of PZ’s voice that caused the offence: recalling it as asking in an intimidating manner and making her feel like a criminal in her complaint of 25 June 2024 – [CB/889]. We accept PZ’s unchallenged evidence that she had made such comments before about Uniform Policy enforcement, and that it is part of the trainer’s job to do this. As such, we are satisfied that the comment regarding the claimant’s hijab was not said in an intimidatory or indeed unprofessional manner. It was simply said as part of PZ’s overall role, and so there was no reason for her to say it in an intimidating manner.

260. We do not consider the claimant’s account of this incident to be reliable. The claimant has, over time, sensationalised her account of this matter, and it has become her truth. Furthermore, the claimant is unable to distinguish in her mind between what was actually said to her and what she took those words to imply. In cross-examination, we heard the following exchange:

Ms Musgrave Cohen: Can you see the distinction between what you thought someone meant and the words actually used? They are two different things.

Claimant: The thing is that, however I have written it, [PZ’s] voice wasn’t recorded at the time so even the first time I wrote it, in that whole sentence, it doesn’t mean that it was said verbatim in those words.

261. Turning then to the reason for PZ’s comments as we have found them to have been made. The reason why PZ said “but your children are safe aren’t they” was because PZ was attempting (if clumsily) to bring the claimant’s focus back from global conflict to her own life and work. In terms of the “have you got approval to wear that headscarf?” statement, we find that this was said as PZ

thought the claimant's hijab was in breach of the Uniform Policy and wanted to warn her before she went into a meeting with two senior managers.

262. The claimant relies on a WhatsApp status of PZ's to invite us to draw an inference of discriminatory conduct by PZ - [CB/1116]. The status includes a copy of Pakistan International Airlines' relaunch advert, and shows a plane that appears to be flying at the Eiffel Tower. It has the slogan "Paris, we're coming today". This advert was the subject of widespread criticism, indeed including from Pakistan's then Prime Minister, as bearing an unfortunate resemblance to the terror attacks on the World Trade Centre in New York in 2001 – see [1119-1125]. In fact, the then Prime Minister ordered an investigation into the matter.

Issue 2.1.8 - 24 June 2024 – DG and JS bullied and pressured the claimant in a private meeting

263. This allegation is in two parts:

263.1. **Issue 2.1.8.1** - Making the claimant attend a meeting without any notice, preventing her from obtaining representation in advance and from completing adequate preparation;

263.2. **Issue 2.1.8.2** - Speaking to the claimant in an oppressive and coercive manner forcing her to remove her Palestine badge.

264. The background to this allegation is as follows. On 21 June 2024, the respondent had sent an update on its Uniform Policy and posted it on the Buzz platform. This update related to only Heathrow approved badges being permitted on uniform lanyards. The claimant posted a comment onto this post - [CB/895]:

“What happened to tolerance? That was the most extreme and blown out of proportion article I’ve read in my life. I’ve proudly worn my badge since the 9th of October and only had the most friendly and warm interactions with all passengers since”.

265. On 23 June 2024, the Communications Team received an email complaint from a Jewish colleague about the claimant's badge wearing and Buzz posts – [CB/892-894]. The complainant's particular upset was the reference to the claimant's badge being worn from two days after the Hamas attacks on 7 October 2023. In light of this issue, FH approached DG to hold a meeting with the claimant to see if she would amend or remove the date on this post given the possible association with the events of 7 October 2023: in such circumstances, she would be permitted to leave her comment up on Buzz. The claimant agreed that this was the purpose of the meeting in cross-examination. JS took it upon himself to attend the meeting with DG, to share the responsibility of dealing with this sensitive issue – [JS/6.4].

266. Both JS and DG had met and spoken to the claimant previously. JS met with the claimant in January 2024, following which the claimant had conveyed her thanks to him for his “respectful manner...commendable level of respect, attentive listening and genuine empathy” - [CB/664]. In terms of DG, he had a conversation with the claimant on 28 February 2024, for which the claimant

thanked DG, saying “I express my sincere gratitude for taking the time to engage in our conversation today. Your willingness to listen means a great deal to me” - [CB/722]. In April 2024, in her grievance meeting with DS, the claimant expressed positive feelings regarding JS – [CB/756]:

“[JS] is a nice guy, I really like him. The convo wasn’t a nice one but the sincerity and nice was showing, ...”

267. In her evidence, the claimant explained that she would often just be polite in such messages to make them feel respected, as that was her personality. However, we consider that there was no good reason for the claimant to be so effusive about DG and JS if the sentiments she expressed were not genuinely felt. If she found them difficult or intimidating individuals, she could simply not have commented on their character or treatment of her. We therefore consider that the comments she made about both gentlemen show how she felt about them at the time those respective comments were written.

268. Regarding the first part of **Issue 2.1.8.1**, the claimant was given no notice of this meeting: she was pulled out of PZ’s training in order to meet with JS and DG. As such, factually, it is accurate to say within **Issue 2.1.8.1** that the claimant was given no notice. It was JS’s evidence that there was an urgency about the meeting because the claimant was booked on annual leave after her training day on 24 June. The claimant cross-examined JS on this point, asking if anyone checked whether she was in fact on annual leave, as her position was that this was not so. JS’s evidence was he did not confirm at the time whether in fact the claimant was going on annual leave. Whether or not the claimant was in fact going on annual leave, we accept that JS was under that impression, and that this genuine belief led to the sense of urgency about holding the meeting on the date in question.

269. The meeting was recorded, by the audio function on Microsoft Teams: the transcript is at [CB/851-881].

270. In terms of the second part of **Issue 2.1.8.1**, preventing the claimant from obtaining representation in advance. First, we consider that there was no need or right to representation: this was an informal meeting, not a disciplinary or grievance hearing. Furthermore, the claimant was aware prior to the meeting that there was no right to be accompanied at informal meetings – reference within the stage 2 grievance meeting, [CB/1084]. Therefore, although it is correct that, in advance of the meeting, the claimant was not given the opportunity to obtain representation, this was because she had no right to such representation at an informal meeting.

271. Despite this, DG offered the claimant the chance to have someone in attendance with her, the trainer who had escorted her to the meeting – DG’s interview [CB/988]. The claimant accepted in her evidence to us that this offer was made, but refused it as she did not consider it would be of assistance, and she was a paid member of the union: in her opinion she should have been permitted to rearrange the meeting to have her union representative present. We note that, towards the end of the meeting, DG offered the claimant the

opportunity to telephone her union representative; the claimant declined this offer.

272. Regarding the third element of **Issue 2.1.8.1**, the claimant did not have time to prepare in advance, because there was no notice of this meeting. This is therefore part of the same allegation, or a consequence of the allegation, within the first point of **Issue 2.1.8.1**. We find that there was no preparation required for this meeting in any event. The claimant was able to have the discussion, provide full answers and engage fully with the conversation, regardless of the need to prepare. The claimant said in cross-examination that, had she had time to prepare, she would have said even more and been even more alert and eloquent in these discussions. That may be the case, however the point remains, in our view, that she was able to reasonably participate in the conversation, which was, after all, an informal discussion. We are not satisfied that, had the claimant had more time to prepare, this would have led to any difference in the outcome of this meeting.

273. In terms of the first part of **Issue 2.1.8.2**, we are not satisfied that JS and DG spoke to the claimant in an oppressive and coercive manner. We accept that being faced with a meeting without notice with two senior officers could be intimidating by its very fact. However, we are satisfied that DG and JS acted professionally, respectfully, and patiently throughout the meeting. Having listened to the agreed excerpt of the audio of the meeting, we find that the manner and tone of both JS and DG were far from coercive or oppressive.

274. The claimant's main argument on the alleged oppressive nature of the meeting was the manner of the request to remove her badge. She argued that this conversation should have taken place with her line manager (AA), rather than DG and JS.

275. We accept that this meeting could have been dealt with by someone lower down the hierarchy such as the claimant's line manager. However, we accept that, by this stage, the claimant's views on the respondent's policies were well known; she had raised grievances and had meetings with several of the respondent's managers about her views. We accept that the respondent was attempting to give the claimant time with more senior people to demonstrate that her opinions were valid. This finding is supported by the manner in which not only this meeting but all correspondence relating to the claimant and the issue of wearing badges is dealt with: the tone, language and manner of such correspondence is professional and respectful throughout. This is even so in the face of more emotive language from the claimant.

276. Regarding the second part of **Issue 2.1.8.2**, that the claimant was forced to remove her Palestine badge, we are not satisfied that the claimant was forced to remove her badge in this meeting. In any event, the claimant accepted in cross-examination that, in light of the policy, the respondent was entitled to require her to remove her badge.

277. There is much circular discussion about the claimant's badge in this meeting. In short, JS and DG told the claimant that anything worn contrary to

the Uniform Policy must be removed, but that ultimately it is a choice for the employee whether to remove the offending item, or whether to experience the consequences of breaching the Uniform Policy – for example, [CB/856]. The claimant repeatedly said she would be happy to remove her badge, but then qualified the statement with a condition – for example, [CB/864].

278. The reason for this conversation about the claimant's badge is that it was in breach of policy to wear a non-approved badge on one's lanyard. The claimant's argument is that this policy had not previously been enforced. JS was straightforward about this in this meeting - [CB/859]:

“...at that point we definitely weren't challenging any badge really anyone could have worn any badge that moment in time we wouldn't have challenged it at all. What's different now is we've made a decision to say and in fairness,...it was fairer to have a complete zero tolerance on all badges...we are absolutely aware we had a different approach [with] Ukraine”.

279. We accept that the policy was being enforced more tightly in 2024 than previously. We find that this was a result of the escalation of the Gaza conflict, which was (and remains) a highly emotive issue. Similarly, the claimant's Global Conflict Policy was implemented in response to the Gaza conflict.

280. On the issue of removal of badges, the claimant said in cross-examination that she knew of “10, 20, 30 security officers who wore the Palestinian flag and didn't face the same scenario”. She went on to say she knew of three people who had been asked to remove their Palestinian badge. This undermines the claimant's argument that this treatment was because of or connected to her Palestinian affiliation, given her evidence was that many people wearing the Palestinian flag badge had not been approached and asked to remove it.

281. Further, when it was put to the claimant that she was asked to remove her badge, not because of her race or religion, but because the respondent was now enforcing its badge policy across all employees, her answer was “I am not convinced of this”. Again, when it was put to the claimant that the manner in which the respondent conducted this meeting was not influenced by her race or religion, her answer was “I am not sure”.

282. In the claimant's cross-examination, she accepted that the respondent was aiming for a balance in enforcing the ban on any non-Heathrow approved badges. She also accepted that it was not just people wanting to wear the Palestinian flag badge who were upset about the badge ban; see for example [CB/894].

283. To summarise our findings on **Issue 2.1.8**, we find as follows:

283.1. Factually, the respondent did make the claimant attend a meeting without notice;

283.2. Factually, she was prevented from obtaining representation in advance of the meeting; however,

283.3. We are not satisfied that she was prevented from completing adequate preparation. She may have wished to be more prepared, but we

find that there was no need for preparation. We are not satisfied that any lack of preparation had a negative (if any) effect on the outcome of the meeting;

283.4. We reject the allegation that the claimant was spoken to in an oppressive and coercive manner, and that she was forced to remove her Palestine badge.

284. Considering the reason behind the factual allegations we have upheld, namely the lack of notice and lack of representation, we have found the reasons for such treatment to be as follows;

284.1. The respondent understood that the claimant was going on annual leave shortly after her training on 24 June 2024. The respondent wished the matter to be resolved so that the claimant's post could be dealt with as soon as possible, without needing to wait for the claimant to return from leave. As we have said above, whether or not the claimant in fact had leave, we accept that this was JS and DG's genuine belief;

284.2. The claimant did not have any representation by nature of having had no notice of the meeting. Further, there was no need to give such notice, as the claimant was not entitled to any representation at an informal meeting. Some support was offered to the claimant for the meeting, and she was given the opportunity to try to speak to her union representative towards the end of the meeting.

Issue 4.2.1 - 23 January 2025 – deducting a day's pay for a day partially worked by the claimant on 21 November 2024

285. One of the claimant's allegations of victimisation is found at **Issue 4.2.1**, namely that the respondent deducted a day's pay for a day partially worked by the claimant on 21 November 2024. That decision was taken by TB on 23 January 2025. The relevant facts are as follows.

286. Deductions in pay due to unauthorised absence are covered by the respondent's Unauthorised Absence Guidance ("UAG") and Sickness Absence Policy ("SAP") – [CB/465-469] and [CB/470-493] respectively.

287. The SAP requires a colleague who is ill and unable to attend work to call their "designated contact"; for the claimant, the designated contact was GoodShape – [CB/473] paragraph 4b(i). This is also the case in a scenario in which a colleague comes to work, but then leaves due to ill health – paragraph 4c(v) [CB/474].

288. Under the SAP paragraph 4b(iii) on [CB/473]:

"If a colleague fails to make contact as defined above, then their absence may be noted as "unauthorised" and managed through any associated process".

289. The UAG sets out that, on return from a possible unauthorised absence, a return to work meeting will be held with the colleague by a manager – [CB/466]. If that meeting establishes that there was an instance of unauthorised absence, the colleague will be required to attend an Unauthorised Absence Review Meeting. Following that meeting, a decision will be made and, if appropriate, a

sanction will be applied – [CB/467]. On the first occasion of an unauthorised absence, an employee may receive a “green card” (the lowest form of warning) or there may be no further action taken.

290. On 21 November 2024, the claimant felt ill due to a severe anxiety episode and asked AA if she could go home: AA acquiesced. The claimant forgot to alert GoodShape of her absence as required under the SAP – see [C1/46].

291. On her return to work on 22 November, the claimant had a return to work meeting with her line manager, AA. The record of that meeting is at [CB/1232-1233]. AA’s decision following that meeting, as recorded at [CB/1232-1233] was to refer the claimant’s absence to a formal meeting, due to the claimant’s failure to call GoodShape.

292. On 17 January 2025, the claimant was invited by TB to an Unauthorised Absence Meeting relating to her absence on 21 November 2024: the meeting was to be on 23 January 2025 – [CB/1131]. The meeting duly took place on 23 January 2025; the notes of that meeting are at [CB/1133-1134]. The claimant refused to sign these notes. She told us this was because she did not agree with the contents of those notes: TB’s recollection is that the claimant did not read the notes. The claimant has not set out at any stage what specifically it is in the notes that she alleges is incorrect. As such, we accept the notes as an accurate reflection of the content of the meeting.

293. During the meeting, the claimant explained various mitigating circumstances as to why she had failed to call GoodShape in time, as set out in the notes. TB adjourned the meeting for 10 minutes to consider her decision, then returned to inform the claimant that she had decided to issue the claimant with a green card, and that her unauthorised absence would not be paid. This was confirmed to the claimant in writing on 28 January 2025 – [CB/1143-1144]. TB’s rationale for her decision is set out in the outcome letter:

“...My concern is that you did not open a medical absence as directed by management on November 21, 2024. While I acknowledge and understand your reasoning, it is important to note that you have not adhered to the established sickness policy, therefore this day was recorded as an Unauthorised Absence. ...”

294. As a result of this decision, the claimant was not paid for her absence from 0930 to 1430 on 21 November 2024. It is common ground that she was paid for the hours she worked before going home.

295. We find that this decision to withhold some pay regarding the claimant’s absence was a straight forward application of the respondent’s policies, and was a decision within the respondent’s discretion under those policies. We accept that the reason for TB reaching this particular decision under the policy was as set out in her outcome letter cited above, and as set out within [TB/3.9-3.11]. In short, although TB acknowledged that the claimant had various mitigation arguments, TB did not consider that they held enough weight to prevent the imposition of a green card. This was due to the fact that, within the same week as her absence leading to the green card, the claimant had been able to follow the policy of ringing GoodShape on more than one occasion.

296. The claimant’s alleged protected acts for the victimisation claim that had taken place by the time of this alleged detriment were:

296.1. On 12 January 2024, the claimant made a complaint of discrimination to the Tribunal (case number 3300526/2024); and

296.2. Lodging the second and third grievances.

297. We note that the claimant did not complain within her grievance at [CB/1154] or in her appeal at [CB/1146] that TB deducted pay because of the claimant's protected acts.

298. In terms of TB's knowledge of the claimant's protected acts, TB's evidence was that she was aware that the claimant had raised several grievances, but was unclear as to the context of them. Regarding the Tribunal claim, TB's evidence to the Tribunal was that she was "aware of some sort of investigation of some sort, but did not know the full extent".

Issue 2.1.10 - 27 January 2025 – the respondent deleted the claimant's post about Holocaust Memorial Day 2025

299. On 27 January 2025, a colleague of the claimant's posted a message about Holocaust Memorial Day on his profile on Buzz - [CB/1138]. There followed various comments and exchanges that were visible under his original post, including comments from the claimant and another colleague, Zainab Mrimou – [/CB1138-1142]. The claimant commented on the individual's post as follows:

"The Holocaust is a stark reminder of the consequences of silence in the face of oppression. Today, Palestinians endure relentless suffering – an ongoing tragedy documented in real time. If "never again" is to mean anything, it must apply to all people, including those in Palestine, before it's too late".

300. FH contacted CC via a Teams call to ask him to "remove the claimant's comment as its contents fell outside Heathrow's guidance" – [CC/7.2]. Ms Mrimou's comments were also removed. FH's rationale for the removal of these comments is found in an email to Ms Mrimou, copying in the claimant, dated 30 January 2025 – [CB/1181]:

"By suggesting, as your post does, that Palestinians have been subjected to atrocities like those perpetrated in the Holocaust is akin to be accusing Israel of committing similar atrocities. That breaches our guidelines".

301. Looking at the Buzz guidelines in play at the time, the relevant guidance is that at [CB/537-538]:

"...following a request from the en-haNCE Steering Committee, we have decided that we will permit colleagues to post support for people in areas of conflict, provided that this does not marginalise, exclude or blame other individuals or groups."

302. We accept that FH's analysis is correct that, on the wording used by the claimant, her post does imply that Israel is guilty of conduct against Palestine that was akin to that suffered during the Holocaust. This clearly remains the claimant's view: she told us in evidence:

"...Oxfam, the UN and so on have declared that what has happened in Palestine is fact, so just as the Holocaust is a fact, so was genocide in Palestine".

303. In fact, the UN's declaration was later in 2025. So, at the time of the claimant's post in January 2025, there had been no such declaration.

304. It follows that the claimant's post does "blame other individuals or groups" and as such is contrary to the respondent's Global Conflict Policy.

305. Therefore, the reason the post was removed was because it was in breach of the respondent's policy, and the removal of a post in breach of the policy is the natural outworking of that policy.

Issue 2.1.9 & 4.2.2 - 11 February 2025 – the claimant was approached by Security Intelligence Officers to discuss a Safecall incident and subjected to coercive interrogation designed to intimidate and isolate her

306. The respondent's whistleblowing policy is at [CB/568]. Within that policy is a section on SafeCall at [CB/571], which is defined as being a "free, independent and confidential service, available to all colleagues" in order to provide a confidential and anonymous (if that is preferable) way to report whistleblowing concerns that will (if appropriate) be investigated by the respondent.

307. In relation to the claimant, two SafeCall reports were submitted against her on 15 and 23 January 2025, recorded as "Safecall 0725" and "Safecall 1225" respectively. The report of 0725 is at [CB/1172] and states the following at [CB/1173] as the reason for the report:

"Aviation and Airport security. Company reputation. Self explanatory, Radicalization."

308. On [CB/1175] is the second SafeCall report numbered 1225, and cites the following details as the reason for the report:

"Misuse of company logo and company uniform. Could attract unwanted attention resulting in security risks. Reputational risk to Heathrow".

309. The reports attached the screenshots of the claimant's social media posts at [CB/1178-1179]. The claimant's profile photo shows her in her black and white hijab with her Heathrow lanyard on. When one looks at the larger photo, the claimant's Palestinian flag badge is visible. The accompanying text, translated from Arabic, reads as follows:

"O Allah, help our brothers in Palestine and Gaza. May Allah make their hearts firm and remove the injustice from them. Oh God, show us the wonders of your power with the Zionists and protect Jerusalem, Palestine and its people. O Allah, make us among those who are truthful to the truth and victorious of the Muslims".

310. On 30 January 2025, Mathew Mileham (Security Intelligence Lead, Insider Threat and Protective Security) asked VB to meet with the claimant to discuss certain matters as follows:

"In particular to understand

- What she meant or her understanding of what and why she had written the post
- Why she was posting on Facebook in her Heathrow Uniform.

I would then ask that you offer some guidance around posting on social media in her

uniform and the risks that this poses for both us as an organisation, as well as to her as an individual.”

311. It was agreed that VB would hold the suggested meeting with TC, her colleague in the role of Security Risk and Intelligence Advisor. The meeting took place on 11 February 2025; TC’s notes are at [CB/1185-1186].

312. As with other incidents, we find that the claimant’s account has become hyperbolised over time. Looking at the account to her psychiatrist in April 2025 (three months after the event), it reads as a dramatisation – [CB/1222-1223]. For example (bold emphasis as per original document):

“11 February 2025: Interrogated by Heathrow's “Special Intelligence”

...

I didn’t know if they were MI5, Counter Terrorism, Police, HR or something else entirely.

All I knew was that something terrifying was happening, and I couldn’t stop it. The fear hit me like ice in my veins.

I asked, shakily, for a **union rep**.
They **refused**.

“It’s just a chat” they said.

But by now, I knew the truth – **nothing at Heathrow is ever just a chat**.

Every time I thought the nightmare couldn’t get worse, it did.

Every time I thought I’d seen the worst of their tactics, they pulled another one – **and this one was the most shocking yet**.

...

They called [the post] **hate speech**.

They called it **radical**.

They said I was a **risk to Heathrow’s reputation**.

They accused me of being **anti-Semitic**.

...

But they didn’t care.

Their faces were cold.

Their tone was robotic.

There was no empathy. No humanity. Just accusation after accusation”.

I broke.

I broke down in front of them, sobbing through the humiliation, the fear, the absolute disbelief that I was being treated like a criminal for praying for my family.

...

And when I got home and told my mother what happened, she collapsed into tears.

“What if they had taken you and no one knew?” she said

“What if you never came back?”

She was terrified. And so was I.

That day was one of the worst days of my life.

...

It wasn't a chat.

It was a **psychological ambush**.

It was punishment.

It was surveillance.

It was intimidation.

And worst of all – **it was real.**”

313. We do not doubt that the claimant has come to believe that this account is accurate, however we find that it is to over-dramatise a process that was a standard part of the respondent's policy tool kit for dealing with SafeCall concerns. We also record that, in the claimant's report to the psychiatrist, she has recorded that it was two men who came to see her - [CB/1223]. This was written only three months on from the incident in question; we find that the claimant has reimagined the event to be with two men, as it makes the incident seem more intimidating, which suits the claimant's narrative.
314. Contrary to the claimant's recollection, we accept that the two individuals were wearing their Heathrow lanyards: this is part of the uniform for all Heathrow staff, and so is the default. We find it would have been clear to the claimant that they were Heathrow employees.
315. We accept that to be called into a meeting without notice could initially be intimidating, when one has received no notice of the event. However, we accept that this is the process followed when a SafeCall complaint is received. VB's evidence, which we accept and was unchallenged, is that she has to investigate any SafeCall complaint. Given the high security required at an airport, we accept that such investigations are necessary – [VB/3.2].
316. We accept that the discussion around Zionism was an explanation of the potential different interpretations that any individual may have of that phrase, right or wrong. This is supported by the contemporaneous notes and VB's witness statement.
317. We do not accept the characterisation of this meeting as put by the claimant in this allegation: that she was “subjected to coercive interrogation designed to intimidate and isolate her”. We have contemporaneous meeting notes at [CB/1185] (typed at [CB/1188]), which accord with the evidence of VB. Although the claimant has stated that the notes are inaccurate, she has not expressly pointed out with which parts if any of these notes she disagrees. We therefore accept them as an accurate note of the contents of the meeting.
318. Factually, the first part of this allegation is correct: that the claimant was approached by Security Intelligence Officers to discuss a SafeCall incident.
319. The reason VB and TC held this meeting was that they were instructed to by Heathrow's Security Intelligence Lead. This instruction came because two SafeCall reports had been received regarding the claimant's social media posts. We accept that it is the respondent's standard response to investigate such matters. We find that there was nothing in the meeting itself that went outside the realms of professionalism. As such, we reject the factual allegation

that the claimant was subjected to coercive interrogation designed to intimidate and isolate the claimant. The claimant's account is not supported by any other evidence, other than the self-serving document provided by the claimant to her psychiatrist.

320. Turning to an aspect of the victimisation claim: it was VB's evidence that she had no knowledge of the protected acts the claimant relies upon at Issue 4.1. We accept that evidence as there was no good evidence to undermine this point.

Issue 2.1.11 - 1 March 2025 – the respondent's decision to block a Ramadan video the claimant had participated in

321. We have seen a video labelled "the Ramadan video", which is just over 1 minute long. The claimant and a fellow colleague appear in the video and give a brief explanation of Ramadan. The video also promises that dates will be handed out every Friday during Ramadan to celebrate breaking the daily fast. It is this video that forms the subject of this allegation.

322. Generally, in relation to religious or cultural events, HRR told us that these types of matters are usually organised by the central networks (such as en-haNCE) and are terminal-wide, as opposed to being organised by local terminal employees. For the provision of any food terminal-wide, for example, that would need to be costed and agreed at centralised management level – [HRR/3.1].

323. HRR also told us in his evidence that, centrally, a weekly digital briefing video is produced within the Security Team covering, for example, operational performance. At the end of these briefing videos, there will often be a short piece giving insight into an upcoming event, such as Ramadan, Christmas or Eid. Any bespoke videos on such religious/cultural events are generally organised and distributed by the Equality, Diversity and Inclusivity networks and the Communications Team, rather than by individuals on local terminals.

324. In mid to late February 2025, Estefania Sanchez Guilcapi (Security Operations Manager) (ESG) spoke to HRR regarding the provision of dates (the dried fruit) to Muslim colleagues to break their fast-during Ramadan.

325. On 20 February 2025, Courtney Clark, Security Administrator (CCK), emailed HRR to ask whether he had approved for dates to be provided in Terminal 3 for 3 or 4 days in March. From the email at [CB/1193], it appears that ESG had asked CCK to procure dates accordingly. CCK wanted to check that HRR had approved this expenditure before going ahead, as she envisaged it would cost "quite a bit of money". Following this, HRR and CCK had a conversation in which CCK confirmed that providing dates across the terminals would cost several hundred pounds – [HR/3.2].

326. Also in late February 2025, HRR was sent the Ramadan video by ESG, asking him to upload it to Buzz via his management account (rather than his personal account). HRR was asked to upload the video with a caption that Heathrow would be providing dates in restrooms on a Friday to enable colleagues to break their fast – [HRR/3.3]. To post from a management Buzz account would mean that the video would be being endorsed by the respondent as an organisation, and it would also mean that it would need then to fund the provision of dates for all terminals.

327. HRR refused to publish the video on his management account for two reasons – [HRR/3.6-3.7]:

327.1. It was not viable to provide dates to all colleagues across all terminals, and such provision had not been agreed at the necessary management levels. It would also need to be communicated via the Central Communications Team, of which HRR was not a part, and to do so was not within his remit;

327.2. It is not standard practice for the respondent to share religious content on internal communication channels unless the message is being sent from central communications. Such content instead is within the remit and authority of the central Equality, Diversity and Inclusion Team.

328. The extent of HRR's decision-making was to decide not to share the video via the Buzz management account. He did not prevent anyone else from posting the video – [HRR/3.8].

329. On 1 March 2025, the claimant emailed HRR and Waseem Hussain ("WH") to "formally request clarification" and a "clear and transparent explanation" as to why the Ramadan video was not posted – [CB/1201-1202]. Following that communication, HRR asked WH to speak to the claimant, which he duly did. It was reported to HRR by WH that the claimant was content with the explanation she was given – [HRR/3.10].

330. In the claimant's evidence, she suggests that HRR refused to post the Ramadan video as soon as he realised her involvement – [C1/64]:

"the real reason was because I was in the video".

331. HRR did not know the claimant – [HR/2.1]. From watching the video, he would know that she was Muslim but would not know of her affiliation to Palestine: the claimant is not wearing her black and white hijab and not wearing her badge.

332. When it was put to the claimant that she was never told by anyone that the reason was because she was in the video, she said:

"No-one said it because it would be rude".

333. In fact, all that WH said to the claimant (on her own case) was that he understood why she felt that it was the reason when the claimant suggested that rationale to him. This is another example, we find, of the claimant reading inaccurate meaning into someone's words or actions, and conflating what was in fact said with what she understood to have been said.

334. Factually, it is not accurate for the claimant to allege that the respondent decided to block the Ramadan video. HRR simply did not agree to post it on his management account. He did not prevent it being posted by the claimant or other individuals.

335. We accept the reasoning within HRR's statement at [HRR/3.6-3.7] as to why the video could not be officially endorsed by the respondent as set out above

at paragraph 327. Although the claimant says that the lack of promotion of the video is discrimination or harassment, she explained in cross-examination that she did not blame HRR. Instead, the claimant alleged that it was “someone higher up” who refused to post the video. That is a baseless and vague allegation. Furthermore, we have seen and heard no good evidence that any other religious post (not produced by enhaNCE or Central Communications) has been posted from a Buzz management account.

Legal framework

Interplay between harassment, direct discrimination

336. Under section 212 of the Equality Act 2010 (“EqA”), the definition of detriment does not include conduct that amounts to harassment:

“(1) In this Act –

“detriment” does not, ..., include conduct which amounts to harassment”

337. This means that claims of harassment and direct discrimination are generally mutually exclusive. They can be pleaded and brought as claims in the alternative, but those two claims based on the same facts cannot both be upheld by the Tribunal.

338. Given that the wording of s212 excludes conduct amounting to harassment from the definition of detriment, the convention is to consider the harassment claim first. If that claim is proven, claims of direct discrimination based on the same factual allegations will be dismissed.

339. If the harassment claim is dismissed on the basis that the facts are proven but those facts do not meet the test for harassment, the Tribunal will then go on to determine whether the facts amount to direct discrimination.

Harassment related to race/religion

340. The definition of harassment is set out at s26 EqA:

“(1) A person (A) harasses another (B) if –

(a) A engages in unwanted conduct related to a relevant protected characteristic, and

(b) the conduct has the purpose or effect of –

(i) Violating B’s dignity, or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

...

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account –

(a) the perception of B;

(b) the other circumstances of the case;

(c) whether it is reasonable to have had the effect.”

Associative harassment and/or perceived protected characteristic

341. It is now well-established that a claim of harassment may be claimed when unwanted conduct is related to a protected characteristic not possessed by the claimant themselves. This is known as “associative harassment”. In terms of harassment related to religion, an example of harassment by association is found in the case of Saini v All Saints Haque Centre and ors [2009] IRLR 74, EAT, in which the Employment Appeal Tribunal (“EAT”) found that the Tribunal had erred in dismissing the claimant’s claim on the basis that he himself did not ascribe to the Hindu faith in circumstances where he was pressured to provide incriminating evidence about a Hindu colleague in order to dismiss that colleague.
342. Likewise, a claimant may experience harassment on the basis of a “perceived” protected characteristic; in a situation in which the claimant is wrongly perceived to have the relevant protected characteristic. This is known as “conceptual harassment” - Peninsula Business Services Ltd v Baker 2017 ICR 714, EAT.
343. In Bennett v MiTAC Europe Ltd [2022] IRR 25, paragraph 38, the EAT stressed that, in cases of discrimination by perception and discrimination by association, the focus for the Tribunal is not to be on the nature of the perception or association but rather “the real question is whether the protected characteristic was an effective cause of the treatment of the Claimant”.
344. In the Claimant’s case it is evident that she felt a deep concern for the people of Palestine. As to the association in law, the Tribunal are not required to confirm whether of the Claimant was “associated” as a fixed question. Rather the Tribunal must consider the question of association in respect of each complaint of discrimination and focus on whether the protected characteristic of race, in this case Palestinian, was an effective cause of the treatment of the Claimant in respect of each individual complaint of discrimination.
345. The EAT has also held, in Warby v Wunda Group plc EAT 0434/11, that the context in which the unwanted conduct occurs will be a relevant factor for consideration as to whether conduct is related to a protected characteristic. We must not take a comment or act in isolation, but must contextualise the incident alleged to be harassment – paragraphs 20-21.

Unwanted conduct

346. The EAT in Reed v Stedman [1999] IRLR 299 set out that the term “unwanted” can be taken to mean “unwelcome” or “uninvited”. Section 26 has been further interpreted to mean that the conduct is unwanted by the employee specifically, and as such imports a subjective assessment to the test of whether conduct is unwanted – Thomas Sanderson Blinds Ltd v English EAT 0316/10, paragraph 28.

Purpose or effect

347. S26 makes it clear that it is sufficient for the unwanted conduct to have the effect set out in s26(1)(b): it is not necessary for that to be the purpose of the alleged perpetrator. For example, harassment may still be made out where there is teasing, also called banter, without any malicious intent.

348. In terms of whether the requisite effect is created, the test is both subjective and objective. First, it is necessary to consider what the effect of the conduct was from the claimant's perspective (subjective element). If it is found that the claimant did suffer the necessary effect set out in s26(1)(b), the next stage is to consider whether it was reasonable for the claimant to feel that way – see Pemberton v Inwood [2018] ICR 1291, CA, paragraph 88.

349. The two stages were set out clearly by the EAT in Richmond Pharmacology v Dhaliwal [2009] ICR 724, paragraph 15:

“The proscribed consequences are, of their nature, concerned with the feelings of the putative victim: that is, the victim must have felt, or perceived, her dignity to have been violated or an adverse environment to have been created. That can, if you like, be described as introducing a "subjective" element; but overall the criterion is objective because what the tribunal is required to consider is whether, if the claimant has experienced those feelings or perceptions, it was reasonable for her to do so. Thus if, for example, the tribunal believes that the claimant was unreasonably prone to take offence, then, even if she did genuinely feel her dignity to have been violated, there will have been no harassment within the meaning of the section. Whether it was reasonable for a claimant to have felt her dignity to have been violated is quintessentially a matter for the factual assessment of the tribunal. It will be important for it to have regard to all the relevant circumstances, including the context of the conduct in question”.

350. Regarding the subjective element, this is a question of fact for the Tribunal to determine. Tribunals must take into account that different people have different reactions and tolerances.

351. In terms of the objective part of the test, this is to ensure against liability in every case in which the claimant is caused genuine upset. In Dhaliwal, the EAT held at paragraph 22:

“while it is very important that employers, and tribunals, are sensitive to the hurt that can be caused by racially offensive comments or conduct (or indeed comments or conduct on other grounds covered by the...legislation...), it is also important not to encourage a culture of hypersensitivity or the imposition of legal liability in respect of every unfortunate phrase”.

352. The alleged perpetrator's intention can inform both whether the requisite effect is met, and whether it was reasonable for the act to have that effect - Land Registry v Grant (Equality and Human Rights Commission intervening) [2011] ICR 1390, CA, paragraph 13:

“When assessing the effect of a remark, the context in which it is given is always highly material. Everyday experience tells us that a humorous remark between friends may have a very different effect than exactly the same words spoken vindictively by a hostile speaker. It is not importing intent into the concept of effect to say that intent will generally be relevant to assessing effect. It will also be relevant to deciding whether the response of the alleged victim is reasonable.”

353. Furthermore, it is not necessary for the conduct to be aimed directly at the claimant. A claim can succeed if it was reasonable for the claimant to feel that their environment had been made intimidating, hostile, degrading, humiliating or offensive, whether or not any language or conduct is specifically aimed at them.

354. Under s26(4)(b), other circumstances of the case are to be taken into consideration when determining whether the requisite effect has been created. The other circumstances will be those that are likely to inform the Tribunal regarding the claimant's perception and the reasonableness of that perception.

"Related to" a protected characteristic

355. The test of conduct "related to" a protected characteristic is evidently broader than the test of treatment being "on the ground of" a protected characteristic, under s13 EqA. Harassment encompasses conduct which, regardless of the reason for it, is connected in some way to the protected characteristic in question.

356. The motivation of the harasser is not relevant to this stage of the legal test. In Carozzi v University of Hertfordshire 2024 EAT 169, it was held at paragraphs 24 that "there is no requirement for a mental element equivalent to that in a claim of direct discrimination for conduct to be related to a protected characteristic...there may be circumstances in which harassment occurs where the protected characteristic did not motivate the harasser".

357. There is limited guidance from the appellate courts as to what is meant by "related to". Some guidance has been given by the Court of Appeal in the case of UNITE the Union v Nailard [2018] EWCA Civ 1203. The facts of this case were that the respondent had failed to deal with the claimant's sexual harassment complaint. The Employment Tribunal found that, because the failure related to a grievance regarding harassment, that was sufficient to find that the failure was itself an act of sexual harassment. The Court of Appeal found the tribunal had got it wrong. The tribunal had not made findings as to the thought processes of the individuals who failed to deal with the grievance; therefore, it could not be found that the failure itself was an act of sexual harassment. A finding would have to be made that those who failed to deal with the grievance were guilty of sexual harassment. The tribunal had, in effect, used the "but for" test; in other words, they found liability on the basis that, but for the grievance, there would have been no failure. This is not the correct legal test under section 26.

358. In Tees Esk and Wear Valleys NHS Foundation Trust v Aslam [2020] IRLR 495, HHJ Auerbach reminded tribunals that they must when giving their reasons:

"articulate distinctly, and with sufficient clarity, what feature or features of the evidence or facts found have led it to the conclusion that the conduct is related to the characteristic as alleged".

359. It therefore follows that a claimant's understanding and a respondent's intention are not strictly determinative of whether the conduct was "related to" the protected characteristic. As above, the context in which the alleged harassment occurs is a key factor in determining whether the conduct was related to the relevant protected characteristic – Warby.

Direct discrimination because of race/religion

360. Employees are protected from discrimination by s39 EqA:

“(2) An employer (A) must not discriminate against an employee of A’s (B) -
...
(d) by subjecting B to any other detriment.”

361. Direct discrimination is set out in s13 EqA:

“(1) a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.”

362. There are two parts of direct discrimination: (a) the less favourable treatment and (b) the reason for that treatment. Sometimes however it is difficult to separate these two issues so neatly. The House of Lords gave some helpful guidance in Shamoon v Constable of the Royal Ulster Constabulary [2003] UKHL 11:

“11. This analysis seems to me to point to the conclusion that employment tribunals may sometimes be able to avoid arid and confusing disputes about the identification of the appropriate comparator by concentrating primarily on why the claimant was treated as she was. Was it on the proscribed ground which is the foundation of the application? That will call for an examination of all the facts of the case. Or was it for some other reason? If the latter, the application fails. If the former, there will be usually be no difficulty in deciding whether the treatment, afforded to the claimant on the proscribed ground, was less favourable than was or would have been afforded to others.

12. The most convenient and appropriate way to tackle the issues arising on any discrimination application must always depend upon the nature of the issues and all the circumstances of the case. There will be cases where it is convenient to decide the less favourable treatment issue first. But, for the reason set out above, when formulating their decisions employment tribunals may find it helpful to consider whether they should postpone determining the less favourable treatment issue until after they have decided why the treatment was afforded to the claimant. Adopting this course would have simplified the issues, and assisted in their resolution, in the present case.”

“Because of”: reason for less favourable treatment

363. The correct approach to the issue of causation under s13 EqA is to determine whether the protected characteristic, here race/religion, had a “significant influence” on the treatment – Nagarajan v London Regional Transport [1999] IRLR 572. The ultimate question to ask is “what was the reason why the alleged perpetrator acted as they did? What, consciously or unconsciously, was the reason?” - Chief Constable of West Yorkshire Police v Khan [2001] UKHL 48. This is a question of fact for the Tribunal to determine, and is a different question to the question of motivation, which is irrelevant. The Tribunal can draw inferences from the behaviour of the alleged perpetrator as well as taking surrounding circumstances into account.

364. If there is more than one reason for the treatment complained of, the question is whether the protected characteristic (in this case, sex) was an effective cause of the treatment – O’Neill v Governors of ST Thomas More Roman Catholic Voluntary Aided Upper School [1996] IRLR 372.

365. It is not necessary for the claimant to possess the relevant protected characteristic themselves, nor is it necessary to show a particular type of association with the relevant protected characteristic. In the Case of Bennett v Mitac Europe Ltd EA-2020-000349-LA, the EAT set out at paragraph 38 that:

“[t]he use of terms such as “associative discrimination” and “discrimination by perception” are not the key to the analysis. The real question is whether the protected characteristic of [another] person was an effective cause of the treatment of [the claimant]”.

366. The case of Amnesty International v Ahmed [2009] ICR 1450, at paragraph 37, establishes the need to distinguish context from “the reason” as follows:

“The fact that a claimant’s sex or race is a part of the circumstances in which the treatment complained of occurred, or of a sequence of events leading up to it, does not necessarily mean that it formed part of the ground, or reason, for that treatment”.

Burden of proof under the Equality Act 2010

367. The burden of proof for discrimination claims is set out in s136 EqA:

“(1) This section applies to any proceedings relating to a contravention of this Act.

(2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.

(3) But subsection (2) does not apply if A shows that A did not contravene the provision”.

368. In Laing v Manchester City Council and anor [2006] ICR 1519, Mr Justice Elias held that:

“the onus lies on the employee to show potentially less favourable treatment from which an inference of discrimination could properly be drawn”.

369. It is not enough for the claimant to show that there has been a difference in treatment between her and a comparator, there must be something more. In Madarassy v Nomura International plc 2007 ICR 867, Lord Justice Mummery held:

“56. The court in *Igen Ltd v Wong* [2005] ICR 931 expressly rejected the argument that it was sufficient for the complainant simply to prove facts from which the tribunal could conclude that the respondent “could have” committed an unlawful act of discrimination. The bare facts of a difference in status and a difference in treatment only indicate a possibility of discrimination. They are not, without more, sufficient material from which a tribunal “could conclude” that, on the balance of probabilities, the respondent had committed an unlawful act of discrimination”.

370. This approach was subsequently approved by the Supreme Court in Hewage v Grampian Health Board [2012] ICR 1054, at paragraph 31:

“The complainant must prove facts from which the tribunal could conclude, in the absence of an adequate explanation, that the respondent has committed an act of discrimination against the complainant which is unlawful. So the prima facie case must be *proved*, and it is for the claimant to discharge that burden”.

371. At this first stage, the Tribunal is required to consider all the material facts without considering the respondent’s explanation. However, this does not mean that evidence from the respondent undermining the claimant’s case can be ignored at stage one – Efobi v Royal Mail Group Ltd 2021 ICR 1263. The case of Efobi also upheld the approach of the decisions set out above, that it is for

the claimant to prove, on the balance of probabilities, facts from which, in the absence of any other explanation, the Tribunal could infer discrimination. Although the Tribunal may consider all the evidence before it (not just that of the claimant) the burden rests firmly with the claimant at this first stage – see discussion at paragraphs 21 to 34 of Efobi.

372. In terms of comparators, the definition is at s23 EqA:

“(1) On a comparison of cases for the purposes of section 13, 14, 19 or 19A there must be no material difference between the circumstances relating to each case”.

373. In Virgin Active Ltd v Hughes 2023 EAT 130 (specifically paragraph 65), it was highlighted by the EAT that the consideration of whether there are material differences in the circumstances of an actual comparator compared to those of the claimant needs to take place before applying the shift in the burden of proof. The EAT gave the following example at paragraph 68:

“For example, if two people who differ in a protected characteristic attend a job interview and one is appointed but the other is not, that, of itself, would not be enough to shift the burden of proof, but if they scored the same marks in the assessment, so there is an actual comparator, the difference of treatment would seem to call out for an explanation”.

374. Regarding a hypothetical comparator, the claimant must show that the comparator would have been treated more favourably. This requires the Tribunal to be able to draw inferences of likely treatment of a hypothetical comparator from the evidence before it.

375. It is only if the initial burden of proof is reached that the burden shifts to the respondent to prove to the Tribunal that the conduct in question was in no sense whatsoever based on the protected characteristic – Igen Ltd (formerly Leeds Careers Guidance) and ors v Wong and other cases 2005 ICR 931.

376. Overall, however, the courts caution against placing too much emphasis on the burden of proof provisions. This was emphasised in Martin v Devonshires Solicitors [2011] ICR 352 when the EAT held that:

“39. ...[The burden of proof] provisions are important in circumstances where there is room for doubt as to the facts necessary to establish discrimination – generally, that is, facts about the respondent’s motivation (...) because of the notorious difficulty of knowing what goes on inside someone else’s head (...). But they have no bearing where the tribunal is in a position to make positive findings on the evidence one way or another, and still less where there is no real dispute about the respondent’s motivation and what is in issue is its correct characterisation in law”.

377. The Supreme Court in Hewage agreed with this approach, citing the decision in Martin with approval at paragraph 32.

Victimisation

378. S27 EqA sets out:

“(1) A person (A) victimises another person (B) if A subjects B to a detriment because:

B does a protected act; or

A believes that B has done, or may do, a protected act.

(2) Each of the following is a protected act –

Bringing proceedings under this Act;

Giving evidence or information in connection with proceedings under this Act;

Doing any other thing for the purposes of or in connection with this Act;

Making an allegation (whether or not express) that A or another person has contravened this Act.”

379. In terms of the meaning of detriment, the Court of Appeal in Ministry of Defence v Jeremiah [1980] ICR 13 held that a detriment exists:

“if a reasonable worker would or might take the view that the treatment was in all the circumstances to his detriment”.

380. In other words, if the claimant has suffered a disadvantage compared to other employees (whether real or hypothetical), they will have suffered a detriment. Despite this, there is no strict need for a comparator in cases of detriment.

381. For a detriment to be because of a protected act, it is necessary that it had a significant influence on the perpetrator. It is not necessary for the Tribunal to identify conscious or subconscious motivation – Nagarajan v London Regional transport [2000] 1 AC 501 at p512-513. The meaning of “significant” has been held to mean “more than trivial” – Igen Ltd (formerly Leeds Careers Guidance) and ors v Wong and other cases [2005] ICR 931.

382. Evidently, in order for a detriment to be because of a protected act, the alleged perpetrator of the detriment must have knowledge of the protected act. Such knowledge needs to be proven: where there is no evidence that an alleged perpetrator knew of the protected act in question, the victimisation claim will fail – Essex County Council v Jarrett EAT 0045/15. Evidence of knowledge of protected acts can be inferred from the circumstances. If that is the case, the Tribunal need to say which circumstances it has relied on to infer knowledge.

Witness credibility

383. Where there is a dispute of facts between the parties, it is necessary for the Tribunal to resolve that dispute and reach a finding on the balance of probabilities as to what is more likely to have occurred factually. In performing this exercise, one aspect for the Tribunal to consider is the credibility of the witness evidence we have heard and read.

384. There is a long line of case-law regarding witness credibility, most recently addressed and summarised in McLaren Indy LLC and Ors v Alpha Racing USA LLC and Ors [2026] EWHC 110 (Comm). The High Court in this decision cited the much-referenced case of Gestmin SGPS SA v Credit Suisse (UK) Ltd [2013] EWHC 3560 (Comm). At paragraph 83 to 85, the Court held:

“83. I start, however, with some initial observations. First, as Mr Goulding KC reminded me, when making findings of fact, the Court will have regard to the entirety of the evidence

where witness evidence is involved: see *Onassis & Calogeropoulos v Vergottis* [1968] 2 Lloyd's Rep 403 per Lord Pearce at page 431. In doing so, the Court will have regard to motives and overall probabilities: see *Armagas Ltd v Mundogas SA (The Ocean Frost)* [1985] 1 Lloyd's Rep 1 per Lord Goff at page 57.

84. Secondly, in assessing credibility, the Courts have regularly recognised the potential fallibility of human memory, including what Leggat J (as he then was) had to say in the oft-cited *Gestmin SGPS SA v Credit Suisse (UK) Ltd* [2013] EWHC 3560 (Comm), which the Court of Appeal in *Kogan v Martin* [2020] MELR 4, at [88], explained was not intended to lay down “any general principle for the assessment of evidence”. Rather, the decision is “one of a line of distinguished judicial observations that emphasise the fallibility of human memory and the need to assess witness evidence in its proper place alongside contemporaneous documents and evidence upon which undoubted or probable reliance can be placed”. In a similar vein, in *Natwest Markets Plc v Bilta (UK) Ltd* [2021] EWCA Civ 680 the Court of Appeal recognised, at [50][51], that the approach in *Gestmin* may not be open to the Judge or will be of limited assistance, in circumstances, for example, where there “may simply be no, or no relevant, contemporaneous documents, and even if there are, the documents themselves may be ambivalent or otherwise insufficiently helpful”. What the Court needs to do is to have regard to other considerations including “the overall plausibility of the evidence; the consistency or inconsistency of the behaviour of the witnesses and other individuals with the witness’s versions of events; supporting or adverse inferences to be drawn from other documents; and the judge’s assessment of the witness’s credibility, including his or her impression of how they performed in the witness box, especially when their version of events was challenged in cross-examination”. Furthermore, the Court must be “alive to the dangers of honest but mistaken reconstruction of events, and factors in the passage of time ...”.

85. Thirdly, when assessing the credibility of a witness, as recognised by Lewison J (as he then was) in *Painter v Hutchison* [2007] EWHC 758 (Ch), at [3], evasive or argumentative evidence, straining the meaning of plain words, self-contradiction, the making of speeches instead of answering questions and a changing position upon cross-examination are all factors that go to credibility.”

Conclusions

Issue 2.1.1 - 27 November 2023 onwards PY failed to respond appropriately to the claimant’s grievance

385. We have upheld the majority of allegations under **Issue 2.1.1** on the facts to a certain extent, as set out at paragraphs 152-174 above.
386. We remind ourselves that the claimant specified that, regarding **Issue 2.1.1**, she considered the relevant protected characteristics to be her Muslim faith (generally) as well as her association with Palestine.
387. The claimant accepted in cross-examination that she had no evidence that PY treated her differently to how he treated others, and no evidence of less favourable treatment. She accepted in her meeting with DS on 11 April 2024 that she had no idea how PY had treated others. When asked by DS why the claimant felt that PY’s handling of her grievance was direct race and religious discrimination, she answered – [CB/758]:

“...I felt PY wasn’t making enough effort or shielding the officer so it made me wonder is it because he shares a similar hatred views as PX. He made me feel he could have had same views. I don’t know how he deals with other people’s [grievances], I did feel like it was

just me and I wouldn't have known better. The Israel/Palestine is a hot topic, maybe he shares a strong view as maybe he feels the same as PX, that's the only conclusion I could come to as I don't know him personally".

388. This, we conclude, therefore is a speculative assertion with no good evidence to support the claimant's thoughts set out here. We note that the claimant repeated used the word "maybe" in the above passage, and appeared unclear as to the reason why she thought PY may have done as she alleged.

389. We did consider whether PY's reference to the badge policy at [CB/596] was sufficient to put something before us that could lead us to conclude that PY had discriminated against the claimant in the manner in which he had carried out his role in the initial grievance. We remind ourselves of the words he used:

"...the details are somewhat ambiguous also due to the fact that technically no badges are supposed to be worn on lanyards as the colleague has stated herself in her email".

390. However, PY did not refer to the claimant's badge as being a Palestinian badge specifically, just to the policy, which we have seen in black and white, that says badges are not allowed (other than Heathrow-approved ones). We therefore do not consider that this is evidence from which we could draw an inference of discrimination.

391. Two further pieces of evidence point away from PY's actions regarding the grievance being discriminatory:

391.1. First, PY said he had refused to register other grievances because of a lack of detail in his oral evidence to us. That evidence was not disputed; and

391.2. Secondly, in JVS's complaint to PY about the failure to progress the claimant's grievance, he mentions a second grievance that he similarly says was not progressing. In JVS's evidence he reported having no memory of race or religion playing a part in that second grievance.

392. This evidence undermines the suggestion that the claimant was treated less favourably because of race/religion, when others appear to have been treated in the same way.

393. We are not satisfied therefore that the initial burden of proof has been reached. We are not satisfied that there is evidence from which we could conclude (in the absence of any other explanation) that PY's actions were discriminatory.

394. If we are wrong on that point, and the burden has shifted to the respondent, we have positively found non-discriminatory reasons for the conduct forming Issue 2.1.1. For completeness, the reasons for the individual parts of **Issue 2.1.1** are set out in summary:

394.1. **Issue 2.1.1.1** - there was no grievance hearing conducted by PY as that was not part of his remit;

394.2. **Issue 2.1.1.2** - the failure to investigate the CCTV was due to three factors: (1) it was initially understood that Eugene could identify PY and therefore CCTV was not necessary; (2) it was not proportionate to check the CCTV in the circumstances; and (3) in any event, the CCTV was unavailable after 30 days;

394.3. **Issue 2.1.1.3** - the failure to take disciplinary action against PX was because PX could not be identified at the time of PY's involvement;

394.4. **Issue 2.1.1.5** - the RA logs were requested, but a mistake was made when cross-checking those boards for names beginning with D. The reason for this failure was that it was a simple straightforward mistake.

395. Given that our conclusion that the burden of proof has not shifted to the respondent and, in any event, there are non-discriminatory reasons for the respondent's conduct, we reject this allegation as both an act of harassment (**Issue 2.1.1**) and the direct discrimination claim (mirrored at **Issue 3.2.1**).

Issue 2.1.2 - 26 February 2024 – the manner in which the claimant was treated on the en-haNCE network Race Equality Matters call

396. We have upheld factually the allegation that the respondent muted the claimant's microphone function on her rejoining the Teams meeting on 26 February 2024 – see our findings on this allegation at paragraphs 174 to 203 above.

397. We have also set out the reasons for the respondent's conduct at that meeting regarding the claimant – see paragraphs 200 and 203 above. In summary, we are satisfied that the respondent acted to enforce the Global Conflict Policy in relation to communications, both oral and in writing, from the claimant.

398. There is no good evidence on which we could conclude that the respondent's conduct in muting the claimant on her return to the Teams call (or any of its conduct regarding this Teams call) could be discriminatory. The claimant herself accepted that the reason for the respondent's conduct could have been an attempt to enforce the Global Conflict Policy.

399. As such, we are not satisfied that the burden of proof has shifted to the respondent. In any event, we have found there to be a non-discriminatory reason for the respondent's conduct.

400. In terms of the harassment claims, there is no good evidence from which we could conclude that the respondent's conduct of this meeting was in relation to either race or her religion. We accept that her affiliation/association to Palestine (or others' perception that she was Palestinian) is part of the context of the Teams call on 26 February 2024, in that it was this affiliation that led to her wanting to ask her question, her question related to that affiliation, and the question was not permitted. However, context is not the same as the reason – Amnesty International v Ahmed. Therefore, the harassment claim fails (**Issue 2.1.2**).

401. Furthermore, given that, even if the burden has shifted, we have found there to be a non-discriminatory reason for the respondent's conduct, the direct discrimination claim also fails (**Issue 3.2.1**).

Issue 2.1.3 - 29 March 2024 – Good Friday post removed

402. Our findings of fact in relation to this allegation are at paragraphs 204 – 211 above. The Tribunal has found that on 29 March, the relevant post was posted twice: both posts were temporarily removed on 29 March then deleted on 2 April. The reason for the temporary removal was the implementation of the respondent's Buzz policy: namely that any post reported three times would be removed for moderation. The reason for the deletion on 2 April was that it was contrary to the Buzz policy for a post to be posted multiple times, and the third identical version of the post was permitted to remain up.

403. The identical post on 30 March 2024 was originally temporarily hidden as it contained a keyword. The post was however moderated and allowed to remain.

404. A strict reading of the allegation at Issue 2.1.3 leads to the allegation being the deletion of the post on Good Friday. On the facts, there was no deletion on Good Friday, just a temporary removal.

405. In any event, we consider the respondent's conduct around this post as a whole. In other words, we consider the temporary hiding of all three posts, the deletion of two of them and the fact that, ultimately, the post (or the third iteration) was allowed to remain visible.

406. We have set out the reason for the respondent's conduct regarding this post at paragraph 214 above. We have found that there was a non-discriminatory reason for the respondent's actions, namely the enforcement of the Buzz policy: specifically, that if a post is reported three times or contains a keyword it will be hidden. In terms of the deletion of two out of three of the identical posts, the reason two were deleted was that it is contrary to the Buzz policy for a post to appear multiple times.

407. We conclude that there is no good evidence from which we could conclude that the respondent's conduct was discriminatory. We are not satisfied that the claimant has provided evidence to us that would lead to a shift in the burden of proof. In any event, we have found that there was a non-discriminatory reason for the respondent's conduct.

408. In terms of harassment, the Tribunal is satisfied that the respondent's conduct regarding the claimant's Good Friday post was not related to race or religion. Once again, it is accepted that the claimant's affiliation to Palestine (or any perception that she herself is Palestinian) is part of the context in that it was this affiliation that led her to posting the Good Friday post. However, the reason for the temporary removal of three posts, and the deletion of two posts, was not related to that affiliation. In other words, the reason was not related to race or religion. Therefore, the claim of harassment fails (**Issue 2.1.3**).

409. Furthermore, it follows from our conclusions so far that the removal of the relevant post was not because of race or religion. As such, the direct discrimination claim fails (**Issue 3.2.1**).

410. On this specific allegation, the claimant compares the deletion of her post to the lack of deletion of historic posts in support of Ukraine. We do not have posts regarding Ukraine from the same time as the index post that can be said to be materially the same other than a difference in race: in other words, we have no examples of actual posts supporting Ukraine being reported three times and not being automatically hidden (no actual comparator).

411. We consider whether a post regarding Ukraine would have been treated any differently (a hypothetical comparator) if posted at the same time as the claimant's post. In other words, we consider a scenario in which a post regarding an affiliation to Ukraine regarding the Ukraine/Russia war on Good Friday was reported three times, then reposted on its temporary removal, then reposted again the following day following further temporary removal. There is no good evidence to suggest that the first two posts would not have been removed, given that the Buzz policy requires temporary removal of posts which have been reported three times.

412. It is accepted that a third post regarding Ukraine may not have been temporarily removed. This would be because it did not contain a keyword leading to automatic temporary removal (and the third post was not reported 3 times, but only once). The only difference in treatment between the claimant's post and the hypothetical post would therefore be the temporary removal of the third post of 30 March 2024. The reason for that difference in treatment is not race or religion, but the lack of keyword within the hypothetical third post. The first two posts would still be removed in our hypothetical scenario, as they would still be in breach of the Buzz policy stating that there should be no repeat of posts.

Issue 2.1.4 - 2 April 2024 – the respondent banned the claimant from the internal communications platform “Buzz” for 5 days starting 2 April 2024

413. We have made findings that the claimant's Buzz account was suspended by CC. We have also found that the reason for that suspension was because of the claimant's breach of the Buzz Guidelines – see paragraphs 212-217 above.

414. There is no good evidence to suggest that the suspension was related to or because of race/religion (namely the claimant's affiliation to Palestine, or a perception she herself is Palestinian). The claimant's affiliation is not even directly part of the context of this allegation. The only link to the claimant's association with Palestine is that the original Good Friday post was about that connection. However, the repeated posting of the same post and the accusation to the Communications Team that they were lying are not connected to race or religion.

415. We therefore conclude that the burden of proof has not shifted to the respondent. In any event, we are satisfied that there is a non-discriminatory reason for the suspension of the claimant's Buzz account. As such, both the harassment and direct discrimination claims fail (**Issues 2.1.4 and 3.2.1**).

Issue 2.1.5 - 24 May 2024 – the decision to reject the claimant's grievance by outcome from DS

416. In relation to this allegation, factually, DS rejected the majority of the claimant's grievance. We have found that the reason for that rejection was that DS weighed the evidence before him following a reasonable investigation and a rejection was the conclusion he reached following that balancing exercise.
417. We have set out the claimant's rationale as to why DS's decision was influenced by race/religion at paragraph 234 above.
418. In relation to the suggestion that DS had sided with PY and his discriminatory views, this argument falls apart on the basis that we have not upheld the discrimination claims against PY. Therefore, any potential link that the claimant could draw between PY's alleged discriminatory actions and DS loses any cogency.
419. In any event, even if we had upheld the claim against PY, we are not satisfied that this in itself would provide sufficient evidence from which we could draw an inference that DS himself had discriminated against the claimant. With that logic, every grievance officer who was involved with a valid grievance of discrimination would be tainted with discrimination themselves.
420. As we have set out above, when it was suggested to the claimant that DS was not acting in connection to race or religion, the claimant said "I am not convinced". This is not evidence from which we could safely draw an inference that DS's actions could be discriminatory.
421. Turning to the harassment claim, there is no good evidence from which we could infer that DS's decision-making was connected to race or religion. Therefore, the burden of proof does not shift to the respondent. If we are wrong and the burden does transfer to the respondent, we have found there to be a non-discriminatory reason for the rejection of the claimant's grievance. The harassment claim therefore fails (Issue 2.1.5).
422. In terms of the direct discrimination claim, there is nothing before us to suggest that anyone raising the same complaint but on the basis of a different race or religion, having given the same interview, and with the same evidence before the decision-maker, would have been treated any differently. As such, the burden of proof does not shift. As directly above, we have found a non-discriminatory reason in any event, and so the claim of direct discrimination fails (**Issue 3.2.1**).

Issue 2.1.6 - 10 April 2024 – Eid post deletion

423. The claimant's Eid post at [CB/784] was deleted by the respondent, and as such factually this allegation is made out. However, we have found that the reason for that deletion was that the claimant's post was in breach of the Global Conflict Policy as it stood in April 2024. We therefore consider that the burden of proof has not been shifted to the respondent.
424. Specifically in terms of the harassment claim, there is no good evidence that the deletion was related to race or religion. The post itself mentions Palestine, and the claimant's empathy for the people of that country. However, the argument that, but for the claimant's affiliation to Palestine, she would not have written this post, is not the correct causal link under either s13 or s26 EqA. The

protected characteristics may be part of the context of this allegation, but they are not part of the reason.

425. Regarding direct discrimination, there is no good evidence to suggest that any other post that breached the Global Conflict Policy (but mentioned another global conflict other than Palestine/Israel) would be treated any differently.

426. Even if the burden of proof has shifted, we accept the respondent's non-discriminatory reason for the conduct. As such, both the harassment and direct discrimination claims fail (**Issue 2.1.6** and **3.2.1**)

Issue 2.1.7 - 24 June 2024 – PZ stated “Have you got approval to wear that thing on your head” (indicating the claimant’s hijab), “But your children are safe aren’t they?” (as though the claimant did not need to worry about the children of Palestine) and that the claimant needed to focus on her own kids

427. We have found as fact that PZ said something along the lines of the words alleged in this Issue. However, we have also made findings as to the reason for PZ's conduct at paragraphs 255, 259 and 261 above. Those reasons are non-discriminatory.

428. For completeness, we turn to consider the burden of proof and whether the burden has shifted from the claimant to the respondent. The claimant relied on a WhatsApp status to demonstrate that PZ has a negative view of Muslims. We have not accepted that interpretation of the status, which can be seen at [CB/1116]. We do not accept that PZ's WhatsApp status is evidence of Islamophobia or of PZ's alleged discriminatory mindset against Muslims. We therefore do not consider that this is evidence from which we could safely draw an inference of discrimination. It is an attempt by the claimant to connect two entirely separate events six months apart.

429. Further and in any event, we also remind ourselves that the claimant's case as to religious discrimination on this Issue is that it was her affiliation to Palestine, as opposed to her being a Muslim generally, that was the basis of any discriminatory treatment, in that people take being Muslim and being from Palestine as one in the same thing. Given that this WhatsApp status relates to Pakistan and not Palestine, this evidence, even if found to be Islamophobic, would not assist the claimant in demonstrating that PZ acted because of or in relation to religious belief in the way in which the claimant has clarified her claims.

430. We are not satisfied that the claimant has shifted the burden of proof to the respondent. In any event, we are satisfied that there was a non-discriminatory reason for PZ's conduct on 24 June 2024.

431. Once again, we conclude that the claimant's affiliation to Palestine (or any perception that she herself is Palestinian – including her wearing of a white and black chequered hijab) was part of the context of the conversation between the two women on 24 June 2024. However, that race/religious belief was not related to PZ's behaviour, nor was it the reason for that behaviour. As such, the harassment claim fails (**Issue 2.1.7**).

432. Furthermore, there is no good evidence to demonstrate that PZ would have acted any more favourably had the claimant been complaining about discrimination in relation to a different protected characteristic, and been in breach of the uniform policy in some other way other than her hijab. In any event, we have found that the reason for PZ's conduct was non-discriminatory. Therefore, the direct discrimination claim must fail (**Issue 3.2.1**).

Issue 2.1.8 - 24 June 2024 – DG and JS bullied and pressured the claimant in a private meeting

433. We have set out our findings on this allegation at paragraphs 263-284 above. We have upheld parts of allegation 2.1.8, namely:

433.1. Factually, the respondent did make the claimant attend a meeting without notice;

433.2. Factually, she was prevented from obtaining representation in advance of the meeting.

434. We rejected the other elements of 2.1.8 on their facts.

435. We have also found the reason for the respondent's conduct to be as follows, as set out at paragraph 284:

435.1. The respondent understood that the claimant was going on annual leave shortly after her training on 24 June 2024. The respondent wished the matter to be resolved so that the claimant's post could be dealt with as soon as possible, without needing to wait for the claimant to return from leave. As we have said above, whether or not the claimant in fact had leave, we accept that this was JS and DG's genuine belief;

435.2. The claimant did not have any representation by nature of having had no notice of the meeting. Further, there was no need to give such notice, as the claimant was not entitled to any representation at an informal meeting.

436. There is no good evidence from which the Tribunal could conclude that the respondent's conduct was discriminatory. The claimant has put no evidence before us from which we could safely draw an inference that the respondent's conduct was connected to race or religion as defined in this claim. As such, the burden of proof has not shifted to the respondent.

437. In relation to the harassment claim (**Issue 2.1.8**), there is no good evidence that the respondent's conduct was related to race/religion. Although the claimant's affiliation to Palestine is clearly part of the factual matrix that led to the meeting with JS and DG taking place, and was part of the context of the discussion at the meeting, the context is not the same as the reason.

438. In relation to the direct discrimination claim (**Issue 3.2.1**), there is no good evidence that the respondent's conduct was because of race or religious belief. There is no good evidence that someone whose post on Buzz was the subject of a complaint such as that received by the respondent at [CB/894] would be

treated any more favourably than the claimant was treated. Furthermore, there is no good evidence to suggest that someone continually wearing a non-regulation badge on their lanyard (other than the Palestinian flag badge) would be treated any differently. In fact, it is clear that the wearing of other non-approved badges was being prohibited as well – [CB/894].

439. If we are wrong on this and the burden has shifted, we are satisfied that there are non-discriminatory reasons for the treatment, as set out above. As such, the respondent has acquitted its burden of proof.

440. In terms of the general allegation around the enforcing of the respondent's uniform policy (which ultimately led to this meeting), we have dealt with the strict allegations in our findings and conclusions immediately above. However, we consider it important to record that the fact that the claimant's badge was a Palestinian badge, and the fact that the claimant associates with the Palestinian people (and may be perceived by some to be Palestinian), is evidently part of the context of the meeting that took place on 24 June 2024. Yet we are satisfied that this association with Palestine (or indeed any understanding that the claimant was Muslim and therefore Palestinian or connected with the Palestinian people) did not significantly influence, and was not related to, this meeting or the way in which it was conducted.

441. This conclusion is supported by the following points:

441.1. The claimant's own evidence that there were many security officers who wore the Palestinian badge and yet were not spoken to by DG and JS;

441.2. The contemporaneous evidence that other colleagues (not just those who had a link with Palestine) were upset by the strict enforcement of the uniform policy regarding no non-approved badges being worn;

441.3. The respondent's own recognition that there had been a step change in how the uniform policy was being enforced, and its willingness to accept this;

441.4. The claimant's own answers in cross-examination, when she had the opportunity to put forward a positive case as to why the clamping down on badge wearing was connected to her race/religion. She simply said she was "not convinced" and was "not sure" that race/religion did not play a part in the respondent's actions.

Issue 4.2.1 - 23 January 2025 – deducting a day's pay for a day partially worked by the claimant on 21 November 2024

442. Factually, it is correct that the respondent did deduct some pay for a day partially worked by the claimant on 21 November 2024. The key question then becomes why this deduction occurred.

443. We have found at paragraph 295 above that the reason for this deduction was the application of the respondent's policies, and was a decision that fell within the respondent's discretion as set out within those policies. TB made this decision, having formed her own view of the claimant's mitigation arguments.

444. There is no good evidence to suggest, or from which we could infer, that TB made her decision because of one or both of the protected acts that had occurred as of the date of TB's decision. In any event, we have found that the reason for the deduction in pay was something other than the protected acts.

259. As such, this victimisation claim is rejected (**Issue 4.2.1**).

Issue 2.1.10 - 27 January 2025 – the respondent deleted the claimant's post about Holocaust Memorial Day 2025

445. The claimant's post on Holocaust Memorial Day 2025 was deleted, therefore this claim is made out on the facts. We then have to turn to the reason why the claimant's post was deleted. We have made findings at paragraph 305 that the reason why the post was deleted was because FH was applying the respondent's Global Conflict Policy in place at the time. The claimant's post was in breach of that policy and so the post was removed as per that policy.

446. For completeness, we consider the burden of proof. We conclude that there is no good evidence from which we could infer that the respondent's treatment/conduct could be found to be discriminatory. As such, the burden of proof does not shift to the respondent.

447. If we are wrong on that, we have in any event found that there was a non-discriminatory reason for the respondent's treatment/conduct. As such, the respondent has satisfied its burden of proof in demonstrating that the treatment/conduct was not discriminatory.

448. In terms specifically of the harassment claim, the question is whether the conduct in removing the post was related to race or religion. We are not satisfied that such a causal link is present. FH's view that the post was in breach of the policy was not on the basis that the claimant associates with Palestinians (or any understanding that the claimant is herself Palestinian). FH's view was formed on the basis that the claimant's language indicated that one group of people was to blame for atrocities done to another group of people. This is another situation in which the claimant's affiliation with Palestine was part of the context of this allegation, however this does not mean that the conduct was related to that affiliation. The harassment claim therefore fails (**Issue 2.1.10**).

449. Regarding the direct discrimination claim at **Issue 3.2.1**, we consider how a hypothetical comparator would have been treated. The appropriate comparator is someone who had posted that one country's treatment of another (those countries being other than Palestine and Israel) was the same as the treatment of the Jews during the Holocaust. We consider that there is no good evidence upon which we could base a finding that any such post would be treated more favourably than the claimant's post. We are in any event (as set out above) satisfied that there was a non-discriminatory reason for the conduct in question. Therefore, the direct discrimination claim fails.

Issue 2.1.9 & 4.2.2 - 11 February 2025 – the claimant was approached by Security Intelligence Officers to discuss a Safecall incident and subjected to coercive interrogation designed to intimidate and isolate her

450. Factually, we upheld part of this allegation, that the claimant was approached by Security Intelligence Officers to discuss a SafeCall incident on 11 February 2025 – see paragraphs 306 – 320 above for our findings.

451. We have found the reason for this was because two SafeCall reports were received by the respondent, which the respondent is duty bound to investigate – see paragraph 319 above.

452. For completeness, we consider the burden of proof has not shifted from the claimant to the respondent. There is no good evidence from which we could conclude that the respondent's treatment of the claimant could be discriminatory. As such, the claimant has not met the initial burden of proof, and so that burden does not shift to the respondent.

453. If we are wrong on this, then we are satisfied that the respondent has proven a non-discriminatory reason for its treatment of the claimant.

454. Regarding the harassment claim, there is nothing to suggest that the reason was related to race or religious belief. As above in relation to other Issues, clearly the claimant's affiliation to Palestine is part of the context of this allegation: the reason why the claimant was reported via SafeCall related to her wearing a Palestinian flag badge, and her post regarding Palestine and Muslims – [CB/1178]. However, context is by no means the same as the reason. We have set out the non-discriminatory reason for the conduct under this allegation. Thus, the harassment claim fails (**Issue 2.1.9**).

455. In relation to the direct discrimination claim, the reason for the treatment was not the claimant's race or religion, but was as set out above at paragraph 319. There is no good evidence before us that someone who was the subject of two SafeCall reports (on grounds other than those connected to the claimant's affiliation and support of Palestine) would be treated any differently. Therefore, the direct discrimination claim fails (**Issue 3.2.1**).

456. Finally, we turn to the victimisation claim (**Issue 4.2.2**). In light of our findings as to the reason for the meeting with the Security Intelligence Officers, any protected acts were not the reason for the treatment. As such, the victimisation claim fails.

457. To explore that somewhat deeper, it was put to the claimant in cross-examination that the protected acts were not the cause of this treatment. Her answer was once again "I am not convinced". We also note that VB's evidence was that she had no knowledge of the protected acts. We accept that evidence as there was no good evidence to undermine this point. VB cannot have acted on something of which she had no knowledge. Therefore, the causative link is not established and the victimisation claim fails.

Issue 2.1.11 - 1 March 2025 – the respondent's decision to block a Ramadan video the claimant had participated in

458. This allegation is factually not completely accurate: we are not satisfied that the respondent blocked the Ramadan video. We do accept that HRR refused to post the video from his management account.

459. To that extent, we are satisfied that the reasons for that refusal were as per [HRR/3.6-3.7] and as set out at paragraph 327 above:

459.1. That HRR considered it was not viable to be able to provide sufficient dates for everyone; and

459.2. That it is not standard Heathrow practice to share religious content on internal communications channels unless the message is being sent from Central Communications.

460. As such, the reason for HRR's decision not to post the video was not discriminatory.

461. In terms of the reason for HRR's action being related to race or religion, the video is about Ramadan, which connects to the religion of Islam. Furthermore, the claimant was wearing her black and white headscarf which some may perceive to connect her to Palestine.

462. Although the content of the video itself may be connected to the protected characteristics of race and religious belief, it does not follow that this means the refusal to post the video was also so connected. We have seen no good evidence that HRR acted in connection to the relevant protected characteristics. The only other allegation from the claimant is that someone more senior to HRR instructed him to refuse to post the video. However, we have no detail from the claimant about the identity of that individual, or how they may have instructed HRR. It is, as we have said above under our findings, a baseless assertion.

463. Turning to consider the burden of proof, the claimant has not discharged the initial burden of proof. We are not satisfied that there is evidence from which we could conclude that the respondent's action in HRR not posting the video was discriminatory.

464. In any event, if we are wrong, and the claimant has discharged the burden of proof, we are satisfied that the respondent has proven a non-discriminatory reason for HRR's action (or inaction).

465. The claim of harassment therefore fails. There is no good evidence to suggest that the reason for HRR's refusal to post the video was in any way connected to race or religious belief as pleaded. As with other allegations, race/religion may be part of the context, in that this was a video about Ramadan, in which the claimant was wearing her black and white Hijab. However, these factors were not part of the reason for HRR's refusal. In any event, the claimant clarified that in relation to this claim, and all others bar **Issue 2.1.1**, the relevant protected characteristic for the religious discrimination claim was not "just" her Muslim faith, but the understanding that her affiliation with Palestinians makes her Muslim. The harassment claim fails (**Issue 2.1.11**).

466. In terms of the direct discrimination claim, there is no good evidence from which we could infer that the failure to post the video was because of race/religious belief. As such, the direct discrimination claim fails (**Issue 3.2.1**).

467. As none of the claims succeeded on their merits, we did not consider it necessary to deal with any time limit/jurisdiction points as to whether the individual claims were presented to the Tribunal within the statutory time limits.

Approved by:

Employment Judge Shastri-Hurst

2 June 2026

JUDGMENT SENT TO THE PARTIES
ON 3 June 2026

FOR THE TRIBUNAL OFFICE

Notes

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