

AHEAD NEWSLETTER

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www.annehayfield.com

FIRST SO CASE FAILS

The first case under the S.O. regulations has been heard at an employment tribunal and has failed. The case Imbrahim vs. T. Butcher Mastics Ltd was heard at the Ashford Tribunal on 28th April 2004. Imbrahim is a heterosexual man of Cypriot origins. He took his case to the tribunal arguing that he was being discriminated against on the grounds of race and sex. The tribunal said that his

claim should properly be heard using the race and S.O. regulations. Imbrahim's main complaints of discrimination was that 1) he was given work that require him to travel longer distances than other workers, 2) he was told he might "sell kebabs" 3) he was regularly referred to as a "pooftah" 4) the bosses son would drive at him at high speed and then



swerve at the last minute. The tribunal found that 1) discrimination in allocation of work duties could not be proved 2) "the kebab" comment was out of

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The LAGER training pack is now available from Anne Hayfield.

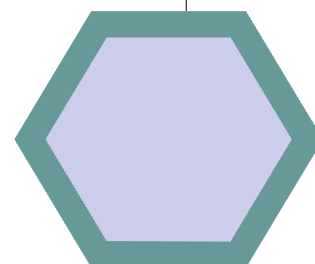
If you would like a copy of the pack please contact Anne Hayfield on 020 8555 3709 or anne.hayfield@lineone.net

WHAT IS THE AHEAD NEWSLETTER?

"AHEAD" stands for the Anne Hayfield's Equality and Diversity Newsletter. The newsletter will be an irregular but hopefully not irrelevant e-

zine whose main aim is to promote discussion on equality and diversity issues. If you would like to contribute a short article not

more than 450 words then email it to me at anne.hayfield@lineone.net www.annehayfield.com



FIRST S.O. CASE FAILS (CONTINUED)

(Continued from page 1)

time. 3) they thought the word "pooftah" could be used as a term of abuse to address someone who is shirking duties or not fully pulling their weight or regularly ill. 4) the tribunal did not decide whether the high speed incidents took place or not since Imbrahim had not convinced the tribunal that that discrimination on the grounds of sexual orientation had taken place.

The tribunal also commented on the language

that is often used on building sites is often basic and crude.

The tribunal also made much of the fact that clear complaints of harassment were only made after he had resigned and that prior to his resignation Imbrahim had received 3 official warning from his boss.

It is important to note that this case was heard at an employment tribunal and so it does not set a precedent. However it does highlight the difficulties that tribunals may well have

dealing with S.O. cases. I personally think they have misunderstood the way the S.O. Regulations were intended to work. As for the comment that the term "pooftah" is used for someone who is work-shy - well that is the first time that I have heard it!

Copies of the case are available from the Employment Tribunal Service, Field Support Unit, 100 Southgate Street, Bury St. Edmunds IP33 2AQ. You need to send them a cheque for £10.00 and Quote the reference : Imbrahim V T. Butcher Mastics Ltd Case Number 1100425/04/B.

TRAINING ON SEXUAL ORIENTATION LAW

PACE — project for advice counselling and education are running a series of courses on the sexual orientation regulations. The courses are open to everyone, they are

held at the PACE offices in central London.

The dates are as follows :

3rd November 04

Tuesday 25th January 05

Thursday 25th March 05

Tuesday 24th May 05

More information can be obtained by ringing PACE on 0207 700 1323

There have been 67 cases filed using the S.O. Regulations (up until the end of May)

Tuesday
14th September 04

Wednesday

The information in this guidance only it cannot as a full statement of the

GAY MAN AWARDED OVER £4000 AFTER BEING OUTED AT WORK

A gay man "S" has been awarded over £4000 after he was outed at work. S worked as a residential social worker for a private social care company. The gay man had been in care as a child with the respondents. S was convinced that his sexual orientation had been deliberately disclosed to the children

by one of his work colleagues. The tribunal said this could not be proved. His partner started getting obscene and threatening phone calls to his home.

The award was made for constructive dismissal. The tribunal



made many comments about the inadequate handling of the situation by the by the management.

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GAY MAN WHO WAS OUTED (CONTINUED)

S had reported the abusive phone calls to his manager on 19th January 2003. After that S did not receive any offers of work even though on average he had worked a 48 hour week prior to his outing. S then put in a formal grievance that management responded to by letter that was "unnecessarily terse, defensive, confrontational and inappropriate" in its tone

It is important to note that the award was made for constructive dismissal. This is a term whereby the employee states that the employer has behaved

so unreasonably that a fundamental breach of contract has occurred. Many constructive dismissal claims fail. In this particular case the tone of the decision is such that the tribunal were appalled at the social care company's ineffective handling of a difficult situation.

Copies of the case are available from the Employment Tribunal Service, Field Support Unit, 100 Southgate Street, Bury St. Edmunds IP33 2AQ. You need to send them a cheque for £10.00 and Quote the reference 2405139/2003 and 2405139/03.

This case was started by LAGER long before the sexual orientation regulations became law. Matt Bradbury working as LAGER's casework supervisor appeared on behalf of the applicant.

If you know of someone who might want this n/l tell them to send me a blank email & their phone number

BLACK LGBT GROUP DEMONSTRATES AT PRIDE

A contingent from the group SWANABAQ (Southwest Asian and North African Bay Area Queers) marched dressed in black, carrying coffins and death toll statistics, among the

There have been 34 cases filed at the tribunal under religion or belief(up until end of May)

festive colours of the San Francisco [Gay] Pride 2004 parade to honour of the victims of aggression against people of the Middle East and LGBTIQ people.

The mock funeral procession was lead by a

banner calling spectators to "raise a 'V' for a world free from war crimes," with statistics evoking the memory of Abu Ghraib prison in Iraq, the murder of transgender people worldwide, the occupation of Palestine, all of which have marked the news in recent months.

The group marched in silence up Market Street with numbers in red speaking for them: 9,436 civilians killed in Iraq; 3,533 killed in Palestine; 840 Americans dead in Iraq; 314 transgender murders; 1,174 anti-Muslim hate crimes;

2,384 anti-LGBT hate crimes, among others. "

Their choice to utilize the platform of San Francisco's Pride Parade speaks both to the theme this year,



"Out 4 Justice," and the history of pride marches originating in the Stonewall Riots as a struggle for liberation in marginalized communities. *Taken from the Al-Fatiha-LGBTIQ Muslims news service al-fatiha-*

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**Do you want to
contribute to this
newsletter?**

I welcome contributions to this newsletter. This first one has focussed on LGB issues but I would welcome contributions on any equality or diversity topic. I'm especially interested in stories that come from people who experience more than one form of discrimination e.g. Muslim women, disabled gay men. If you want to send something email me (no longer than 450) via annehayfield.com I can't promised that the newsletter will be produced on a regular basis so notices for meetings & conferences are probably not appropriate. I welcome opinion pieces & debate.
www.annehayfield.com

AHEAD NEWSLETTER

THE LAGER TRAINING PACK

The LAGER training pack consists of a video plus a CD with written materials. The video was first shown at a conference that celebrated LAGER's 20th anniversary in October 2003. The response to the video was very encouraging and so a training pack was written around it

The video shows 5 ex-LAGER clients talking about their cases. It makes powerful and compelling viewing. These cases were picked because they demonstrate the typical problems that les-

bians, gay men and bisexual people have in the workplace. The materials include 3 distinct sets of training notes that are geared towards participants who are

(i) advisors (ii) trade union reps and (iii) HR managers. The training pack will enable organisations to develop policies and working practices to effectively deal with this form of discrimination. The pack includes guidance on the S.O. regulations. The pack is available from Anne Hayfield on 0208 555 3709
www.annehayfield.com

