



Mediation Case Study

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General Instructions

Paula Radley took maternity leave in October 2010 from her position as Marketing Manager with City Leisure. She had been very successful in her role for the last four years and there had been some surprise expressed when she announced that she was expecting a child as many had seen her as a single-minded career woman. The Chief Executive, Ian/Iona Balamorry (IB), in particular was very sorry to see her go as s/he had worked very closely with her and valued her input. It was clear that it would be very hard to find appropriate cover for her work whilst she was off. Her baby was born on 4 November 2010.

In April 2011, whilst still on maternity leave, she formally asked to come back on a part time basis. She was advised, on 9 May, that her request had been declined for business reasons. This was followed up in writing on 12 May. City Leisure did indicate that they would consider any other suggestions about flexible working but did not make any suggestions themselves.

On 4 August 2011 Paula submitted a grievance in relation to the refusal of her part time work request on the grounds that she had been given inadequate reasons and on the grounds of sex discrimination. There was a combined hearing to cover the grievance and an appeal against the decision that had been taken not to allow Paula to work part time. It was chaired by the Chief Executive, IB. The decision not to allow part time working was upheld and IB wrote in detail explaining the reasons and again inviting Paula to make alternative flexible working suggestions. No suggestions of what might be appropriate were suggested by City Leisure.

Paula returned to work at the end of her maternity leave on 25 October 2011 on a 4 week phased basis. She, however, then expressed an interest in job sharing. At a meeting involving Paula and IB on 1 November 2011 the job sharing request was refused for business reasons. This was confirmed in writing the following day.

In preparation for Paula's return to work, discussions with the marketing team with which Paula had worked had revealed a number of negative comments about her management style – that she was somewhat autocratic and did not like any dissension or discussion amongst the team. Even when it was clear that a decision she had taken was ill founded and this was pointed out to her she would refuse to back down. It was also alleged that she was not inclusive in her approach and that she had favourites amongst the team whom she cherry-picked for the best projects.

Up to this time all Paula's assessments had been very positive indeed. The criticisms of her management approach were communicated to Paula at a meeting on 2 November and she was asked to reflect on them. She was very taken aback. The next day Paula challenged two of City Leisure employees whom she assumed had made these comments. This was fed back to management and Paula was reprimanded for having spoken to them. Following this, the negative comments about Paula became formal complaints against her. An investigation of these complaints was begun but was not completed because Paula went off sick on 21 November 2011 citing work related stress. Paula has not returned to work since, presenting sick lines citing stress and, later on, a miscarriage. She remains employed by City Leisure.

In February 2012 Paula made an ET application alleging (1) breach of her rights under the Employment Rights Act 1996 in relation to the refusal of part time working, (2) related sex discrimination, (3) detriment due to her pregnancy, maternity leave and request to work flexibly and (4) victimisation because of her allegation of sex discrimination. City Leisure denies all claims.

In March 2012 Paula submitted a further grievance to City Leisure alleging that victimisation took place following her return from maternity leave in October 2011. This had not been covered in her original grievance. On the same day she made a second ET application alleging (1) detriment due to her request to work flexibly and (2) victimisation because of her allegation of sex discrimination. City Leisure again denies all claims.

All parties have agreed to come to mediation in an effort to avoid the tribunal hearings and the grievance procedures initiated by Rebecca/Robert Aldridge (RA) and Jim/Jane Partrigger (JP).

Paula will be present, with a friend as supporter, and City Leisure is represented by the Chief Executive, IB, and the HR manager.

In addition, one of the employees who complained about Paula's management style, Rebecca/Robert Aldridge, will also be present.