1) Reference Details

Jurisdiction: Northern Ireland, Fair Employment Tribunal
Date of Decision: 29 May 2002
Link to full case:

2) Facts

The applicant joined the Royal Ulster Constabulary in August 1966 and worked there until 2 November 1998. He was a Chief Superintendent from 1991 and resigned at the age of 51 years because he believed that he was being victimised by the respondents on account of a previous complaint which he made to the Fair Employment Tribunal in 1996. The applicant had unsuccessfully applied for Assistant Chief Constable (ACC) vacancies before 1996. He had also applied unsuccessfully for ACC posts in Central Scotland, and Lancashire and Merseyside in England. He complained to the Fair Employment Tribunal on 2 July 1998 that he had been unlawfully discriminated against in April 1998 when he was again not selected as an Assistant Chief Constable on the grounds of his religious belief(s) as a born again Christian. He also complained that he was victimised because of an earlier complaint to the Fair Employment Tribunal in 1996 against the Police Authority for Northern Ireland.

3) Legal Arguments

The Applicant

The applicant complained of unlawful discrimination on the grounds of his religious belief and of victimisation

The Respondent

The respondent denied all allegations of discrimination and argued that the post had been assigned according to procedure and on the basis of merit alone.

4) Decision

The Fair Employment Tribunal held unanimously that the applicant had been unlawfully discriminated against by the respondents in the arrangements made to appoint an Assistant Chief Constable on the grounds of religious beliefs. The Tribunal also found that the applicant had been victimised. In reaching its decision the Tribunal set out that the selection process for appointing the Assistant Chief Constable was not sufficiently transparent.