

## **Tleyji v The TravelSpirit Group Pty Ltd (2005 NSWADT 294)**

### **1) Reference Details**

Jurisdiction: The Equal Opportunities Division of the New South Wales Administrative Decisions Tribunal, Australia

Date of Decision: 15 December 2005

Link to full case:

<http://www.austlii.edu.au/au/cases/nsw/NSWADT/2005/294.html>

### **2) Facts**

Ms Tleyji worked as a senior travel consultant at the TravelSpirit's Eastwood office from September 1999 until her resignation in July 2004. She took maternity leave at the end of April 2003 and returned to work on 3 May 2004.

### **3) Law**

- Anti-Discrimination Act 1997

### **4) Legal Arguments**

#### *The Applicant*

Pascale Tleyji complained that her former employer, the TravelSpirit Group, unlawfully discriminated against her in employment. She argued that by refusing her requests to, first, come back early from maternity leave and second, work part-time after her return, TravelSpirit discriminated against her on the grounds of carer's responsibilities and sex.

She also alleged that when she returned from maternity leave she was confronted by an unwelcoming and hostile environment and that her duties had effectively been "dumbed down". She also complained that she had been discriminated against on the basis of race, as a result of a directive that she was not allowed to speak Arabic in the office.

#### *The Respondent*

TravelSpirit denied all of the applicant's claims.

### **5) Decision**

The Tribunal found that the complaint of discrimination on the grounds of 'responsibilities as a carer' that relates to the respondent's refusal to provide the applicant part-time work in 2004 was substantiated, and that the complaint of discrimination on the basis of race was similarly substantiated. In reaching its conclusions the Tribunal opined that to succeed in her claim Ms Tleyji was not required to establish that her colleague harboured ill feelings towards her because she was Lebanese, but that she acted as she did was because of a characteristic of Ms Tleyji's race, that is, the speaking of Arabic. The Tribunal dismissed all other claims and ordered the Respondent to pay the Applicant damages in the sum of \$5,000.