EMPLOYMENT TRIBUNAL CASE STUDY

**BRIEF**

*Wasteney v East London NHS Foundation Trust UKEAT/0157/15/LA*

A junior worker of Muslim faith had made complaints against Ms. Wasteney, who held a more senior manager position and who was a Christian. The complaints related to various interactions with Ms. Wasteney which the junior worker characterised as "grooming". These included Ms. Wasteney's praying with the junior worker and the laying on of hands, giving a book to that worker, (which concerned the conversion of a Muslim woman to Christianity) and inviting her to various services and events at Ms. Wasteney's Church.

Ms. Wasteney was given a final written warning, reduced on appeal to a first written warning after the East London NHS Foundation Trust had investigated the complaints under its disciplinary procedure and had found Ms. Wasteney guilty of serious misconduct, namely the blurring of professional boundaries and the subjection of a junior colleague to improper pressure and unwanted conduct.

Ms. Wasteney subsequently brought claims of direct discrimination and harassment because of/related to her religion or belief.

She also relied on article 9 of the European Convention on Human Rights, which provides the right to “freedom of thought, conscience and religion” and freedom to manifest religious beliefs.