

2200909/2019

Maya Forstater v

(1) CGD Europe (2) Center for Global Development (3) Masood Ahmed

JUDGMENT SUMMARY

Important notice for press and public: this summary forms no part of the Tribunal's decision. It is provided so as to assist the press and the public to understand what the Tribunal has decided.

This case was decided against the background of the previous decision of the Employment Appeal Tribunal that Ms Forstater's belief (described in shorthand terms as "gender critical belief") is protected under the Equality Act 2010. The present decision does not therefore involve any assessment of that belief. It is concerned with the complaints of discrimination and victimisation based on that belief.

The Employment Tribunal has decided that the following of Ms Forstater's complaints under the Equality Act are well-founded:

1. Direct discrimination because of belief by a decision not to offer her a contract of employment.
2. Direct discrimination because of belief by a decision not to renew her Visiting Fellowship.
3. Victimisation by the removal of her profile from the Respondents' website.

Three other complaints, two of direct discrimination and one of victimisation, were unsuccessful.

The Tribunal's decision in relation to the successful complaints involves a finding that Ms Forstater was at the relevant time employed in the limited Equality Act sense (similar to being a "worker" under other legislation) by CGD Europe ("CGD(E)") and Center for Global Development ("CGD"). She was employed under a contract to provide services under the terms of which CGD(E) and CGD were not clients or customers of a business or profession of hers.

The Tribunal found that the decisions not to offer Ms Forstater a full contract of employment and not to renew her Visiting Fellowship were taken at least in part because of her belief, and therefore amounted to direct discrimination. The reasons for deciding this include a finding that the way in which Ms Forstater expressed her belief, in particular in tweets, was not such that objection could reasonably be taken to it, when considered in the context of the ongoing debate.

On the complaint of victimisation, the Tribunal found that CGD(E) and CGD had failed to provide an adequate explanation for the removal of Ms Forstater's profile from their website, against the background of her recent previous allegations that she had been discriminated against. The Tribunal applied the provisions in the Equality Act about the burden of proof, and found that Ms Forstater had been victimised because of her previous allegations.

Remedies are to be determined at a future hearing.