

'Clumsy' sexist remark by manager costs £360,000

A manager's "clumsy" comment to a secretary that "women take things more emotionally than men" will cost Britain's biggest arms manufacturer more than £360,000.

BAE Systems argued that the law had gone mad and attacked the payout to Marion Konczak for "a single sexist comment" as "an affront to justice".

Three appeal court judges ruled yesterday, however, that Mrs Konczak, 62, was due every penny after the manager's comment led to her having a mental breakdown.

BAE was working on a project for the Royal Saudi Air Force when Mrs Konczak complained that she had been bullied and harassed, including sexually. Her line manager later told her that "women take things more emotionally than men, whilst men tend to forget things and move on".

That proved the "final straw" for Mrs Konczak who went off sick with stress from her £22,000-a-year job and was dismissed in July 2007, aged 53. She

took BAE Systems Operations to an employment tribunal, which upheld the single complaint of sexual discrimination relating to the manager's comment. The tribunal either rejected or made no finding on 15 other sex discrimination complaints, but found that her dismissal had been unfair and an act of victimisation.

Mrs Konczak was awarded compensation of £360,178 in October 2014, the payout amounting to more than 16 times her final salary.

At the Court of Appeal, Lord Justice Underhill said that her line manager had made his comment "in what appears to have been an attempt to express sympathy, however clumsily".

He added: "The basic rule is that a wrongdoer must take his victim as he finds him, eggshell personality and all. That is not inherently unjust."

Criticising the "extraordinary" history of the case, the judge said that the dispute had led to eight tribunal hearings since Mrs Konczak was sacked.

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