

# **a judge ruled 'not everything that happens in the workplace to a Muslim worker will be related to religion'.**

[An NHS consultant](#) has lost a discrimination case after being told to roll up her sleeves at work. Dr Fahrat Butt is Muslim and wears a hijab, covering everything other than her hands, feet and face while in public.

She says she was 'racially profiled' and 'bullied' by managers into exposing her forearms at work – but she has lost her case after a judge ruled 'not everything that happens in the workplace to a Muslim worker will be related to religion'.

Dr Butt stepped out into a corridor on December 6, 2022, and because she believed it was a non-clinical area, she didn't think she needed to comply with the 'bare below the elbow' hygiene policy.

She worked for an NHS Trust in Bradford but worked one day a week as a visiting Consultant Ophthalmologist at the Airedale General Hospital, in Eastburn, West Yorkshire, which is where the incident occurred.

The panel heard there were hand hygiene guidelines in place which required staff to be 'bare below the elbows to facilitate effective hand hygiene'

After leaving the operating theatre to go to the bathroom to make a phone call she had her sleeves 'fully down' by the time she got to corridor. . . director of nursing, Mary Hytch, and two other bosses saw Dr Butt.

Mrs Hytch believed her to have been in the anaesthetic room

without her sleeves rolled up and to get her attention, she raised her voice slightly and said, 'excuse me'. She then asked her to roll her sleeves up.

This left Dr Butt 'upset' at being challenged and this showed in her reaction in an altercation which 'escalated very quickly' and during which voices were raised on both sides.

'[Dr Butt] perceived that she was being challenged by three colleagues who were supporting each other and that she had done nothing wrong,' the hearing was told.

After no outcome was reached in an informal manner, Dr Butt escalated her complaint and said the situation which had made her 'feel targeted' had not been handled 'professionally or appropriately'. She refused mediation and an independent investigation was launched in March 2023 as she complained of 'deep rooted problems' with discrimination.

A report found Mrs Hytch's request for Dr Butt to be bare below the elbows was 'not racially motivated but rather a request made to ensure adherence to the policies'. Employment Judge Kirsty Ayre concluded the initial challenge of Mrs Hytch was 'not because of religion' and therefore not discriminatory.

'Not everything that happens in the workplace to a Muslim worker will be related to religion, and [Dr Butt]'s own evidence was that religion was not discussed on the day,' she said. 'Rather, she gave another reason at the time for not rolling her sleeves up, rather that she believed she was in a non-clinical area of the hospital.

'We accept that the initial challenge was polite and find that the reason matters subsequently became heated was because of [Dr Butt]'s response to being challenged, combined with Mrs Hytch's response to her not doing as she was asked. . . . "