Was it discriminatory to sack a wheelchair user for using racial slurs when complaining about accessibility?

[et_pb_section admin_label=”Section” global_module=”136″ fullwidth=”on” specialty=”off” transparent_background=”off” background_color=”#ffffff” allow_player_pause=”off” inner_shadow=”off” parallax=”off” parallax_method=”off” padding_mobile=”off” make_fullwidth=”off” use_custom_width=”off” width_unit=”on” make_equal=”off” use_custom_gutter=”off”][et_pb_fullwidth_code global_parent=”136″ admin_label=”Post Header”][Page_Header_Start] Employment Law News [Page_Header_End][/et_pb_fullwidth_code][/et_pb_section][et_pb_section admin_label=”section”][et_pb_row admin_label=”row”][et_pb_column type=”3_4″][et_pb_text admin_label=”Text” background_layout=”light” text_orientation=”left” use_border_color=”off” border_color=”#ffffff” border_style=”solid”]

Was it discriminatory to sack a wheelchair user for using racial slurs when complaining about accessibility?

[post_details]

[Social-Share]

Mr Risby is paraplegic and was employed by the London Borough of Waltham Forest for 23 years. In 2013, Waltham Forest decided to put on a series of workshops for management staff and hired an external venue, which was wheelchair-accessible, for that purpose. However, cost-cutting measures led to the workshops being held internally instead; the venue, being in the basement, was inaccessible by wheelchair. Mr Risby became very angry about this. He shouted at a junior colleague (who, unknown to him, was mixed race), using serious racial slurs.

Following an internal investigation and disciplinary procedure, Mr Risby was summarily dismissed for gross misconduct given his use of offensive and racist language. Mr Risby's appeal was unsuccessful so he brought a claim for unfair dismissal and discrimination arising from disability.

The Employment Appeal Tribunal held that Mr Risby had been unlawfully sanctioned for conduct which arose in consequence of his disability. It held that Mr Risby would not have been angered by the choice of venue had he not suffered with paraplegia, so his disability was an effective cause for his subsequent dismissal.

The employer could at the next hearing still justify its decision as a proportionate means of achieving a legitimate aim. Therefore, this case should not be understood as saying that disabled employees who act in this way cannot be sanctioned.

Risby v London Borough of Waltham Forest UKEAT/0318/15

[/et_pb_text][/et_pb_column][et_pb_column type="1_4″][et_pb_sidebar admin_label="Sidebar" orientation="right" area="sidebar-1″ background_layout="light"

```
remove_border=”off”]
[/et_pb_sidebar][/et_pb_column][/et_pb_row][/et_pb_section]
```