

Employer failed to make reasonable adjustments to redeploy disabled employee being made redundant

The Employment Appeal Tribunal has held that an employer failed to make reasonable adjustments to redeploy one of its disabled employees who was at risk of redundancy and could not attend interviews. The EAT held that the employer should have made reasonable adjustments and offered an alternative way of assessing the employee's suitability for redeployment roles, even though the employee had been unresponsive when HR suggested alternative roles.

Advocate General thinks severe obesity may be a disability

The Advocate General has given an opinion that 'severe' obesity could amount to a disability under the Equal Treatment Framework Directive. He thought that only people with a body mass index of 40 or over would suffer sufficient hindrance to participation in professional life to be considered disabled.

There is no requirement for employers to make reasonable adjustments for non-disabled employees who care for disabled people

A decision by the Court of Appeal confirmed that an employer was not under an obligation to make reasonable adjustments for a non-disabled employee whose daughter had Down's syndrome. The Court of Appeal held that although employers are under a duty to make reasonable adjustments for their employees who have disabilities, they are not under an obligation to make reasonable adjustments for an employee who does not have a disability but is associated with someone who does.

Employment Tribunal holds that tribunals should consider the mental processes of those influencing decision makers

The Employment Appeal Tribunal ('EAT') held that when considering whether a dismissal was discriminatory on the grounds of age, tribunals should consider the mental processes of those influencing the decision makers, as well as the

decision makers themselves.

Arpita Dutt's success for Whistleblowing Surgeon who wins his Unfair Dismissal and Disability Discrimination Claim

An employment tribunal has ruled that a respected surgeon was unfairly dismissed after whistleblowing on poor standards of care at a hospital. The case has been reported in The Sunday Times, The Independent, Health Service Journal and Hospital Doctor. Arpita Dutt and her client, Mr Weerasinghe were also featured on BBC London News on 14 July 2014.

Court of Appeal rules that poor treatment of vulnerable migrant workers because of their immigration status was

not race discrimination

The Court of Appeal has held that the poor treatment of vulnerable migrant workers because of their immigration status is not race discrimination.

Error in employer's letter to disabled employee not relevant when considering objective justification

In Crime Reduction Initiatives (CRI) v Lawrence UKEAT/0319/13, the EAT held that a poorly drafted letter inviting the claimant to a disciplinary meeting when it should have referred to a capability meeting which had the effect of deterring her from attending was not relevant to the question of whether her employer had been objectively justified in deciding to dismiss her.

Dismissal for absence caused by post-natal depression was

not discriminatory

The EAT recently held that it is not discriminatory to dismiss a woman for absence due to post-natal depression where that absence continues after the end of her maternity leave. Where an employee is absent after her maternity leave due to a pregnancy related illness, the employer is entitled to take into account the absence after maternity leave and compare that period with any period of sickness of a man.

Caste discrimination covered by existing legislation

In *Tirkey v Chandok*, it was found that a claim for caste discrimination could be brought in a Tribunal under the Equality Act 2010.

Employers' liability for its agents in discrimination claims

In discrimination cases, employers are responsible for the actions of both employees and their agents. But who is an employer's agent?

Employer not liable for employee's physical attack on customer

In *Mohamud v WM Morrison*, the Court of Appeal found that an employer was not vicariously liable for its employee's physical assault on a customer because there was not a sufficiently close connection between the employee's actions and his employment.

Belief in the Labour Party equivalent to religious belief

In *Olivier v Department for Work and Pensions*, the Tribunal found a strong commitment to a political party amounts to as much of a protected belief for the purposes of bringing a discrimination claim as a religious belief.