

A Woman v Stream Intelligent Contact Ltd trading as Convergys Intelligent Contact

Disability and sex discrimination proceedings brought in the Industrial Tribunal which settled on 27 April 2015.

Summary

The Claimant was employed as a Human Resources Administrator by the Respondent from October 2005 until her dismissal in July 2014.

The Claimant has lived with anxiety and depression for a number of years. She was diagnosed with renal stones in January 2014 and was off work with same. During treatment for the renal stones it emerged that she was pregnant and experienced severe pregnancy sickness.

As a result of the pregnancy the Claimant alleged that she had to alter her anxiety medication and this in turn caused an increase in her mental health difficulties. The Claimant alleged that she informed her employer of both her pregnancy and her mental health difficulties.

The Claimant submitted sick notes to the Respondent which referred to her pregnancy. She attended a number of wellbeing meetings with the Respondent. During one of these meetings she alleged that she was asked if dismissing her on the grounds of capability would be an option for her. The Claimant claimed that she responded that she could not make such a decision whilst she was so unwell. The Claimant was subsequently dismissed before her maternity leave was due to commence. She was 26 weeks pregnant at the time of dismissal. The dismissal letter referred to the Claimant's long term absence with no likely return to work date established and that the Claimant had confirmed that she would like to return to work.

The Claimant believed that she has been dismissed on grounds of her pregnancy-related sick leave and her mental health difficulties which had been heightened because she had to alter her medication due to her pregnancy. The Claimant believed that the Respondent should have allowed her to take her maternity leave.

The Respondent agreed to pay, without admission of liability, the Claimant £7,900. The Respondent agreed to provide the Claimant with a reference. The Respondent affirmed its commitment to the principle of equality of opportunity in employment. The Respondent undertook to meet with the Equality Commission to review its policies, practices and procedures relating to pregnancy and maternity to ensure that they are effective and conform with the requirements of the Sex Discrimination (NI) Order 1976 as amended and policies and procedures relating to compliance with the Disability Discrimination Act 1995 and relevant Codes of practice. Further, the Respondent agreed to take steps to implement any reasonable recommendations the Commission may make to include the training of those involved in the processes of management of

the absence policies and procedures during the periods protected by pregnancy or maternity leave and/or disability.