

A Disabled Man v The Co-Operative Group Ltd

Settlement of disability discrimination proceedings brought in the Industrial Tribunal which settled on 14 October 2015.

Summary

The Claimant was a 39 year old man who has Downs Syndrome. For 15 years he enjoyed a work placement with a local company. This was a something which he enjoyed greatly and according to his mother was very beneficial for him. Unfortunately this company closed down and the work placement ended accordingly.

The Claimant had a Support Employment officer through the local health and social care trust. Her role was to source suitable supported employment placements for adults with a learning disability within their local community. In the course of this she contacted the Respondent in respect of setting up another placement for the Claimant. At all times she dealt with the manager of the Respondent Store in Castlederg who it was alleged was initially open to the prospect of a work placement with the Claimant.

It was alleged that the Claimant, accompanied by his support officer went to meet the manager at the store on the 22 October 2014. The Claimant got a tour of the premises and was assigned the task of placing toilet roll stock on shelves. According to the support officer he completed this task well. There was further discussion with the manager on that date about other possible tasks the Claimant could undertake and work schedules were discussed. Indeed it was alleged, the proposals were at such an advancement that the Claimant's mother later suggested to the support officer that she thought the proposed work schedule was too short.

Unfortunately the Claimant's father died and the proposed induction had to be rescheduled. The Claimant alleged that the manager agreed that this would take place on 19 November 2014. On the 18 November the support officer telephoned the manager to confirm arrangements for 19th but was told by the manager that he had changed his mind, that he had felt under pressure to go ahead with the arrangements and no longer wished to continue with it. This was very upsetting news for the Claimant. The Claimant had been told that he would be going on 19th and been really looking forward to it.

It was alleged that the Claimant's mother went to see the manager at the Respondents store. Mrs Douglas asked why he hadn't contacted the support officer to give some notice of his decision to cancel the meeting and proposed placement. The manager alleged that he did not have any contact number. Mrs Douglas gave her view that young people like the Claimant needed to be given a chance to experience a 'real' workplace. However, Mrs Douglas found the manager to be dismissive and uninterested. The Respondent later maintained that he reason for the decision was because "the store had been subject to a restructure which had led to a reduction of staff. The store was also due to undergo a store re-fit."

The case was settled with the assistance of the Labour Relations agency

The Respondent agreed to pay the Claimant £2,000. The Respondents apologised to the Claimant as a result of the removal of the placement opportunity. The Respondent affirmed that it will use reasonable endeavours to comply with the principles of equality of opportunity for those with disabilities in the workplace and in recruitment and selection, including the provision of work placements, and to ensuring that its policies, practices and procedures comply in all respects with its obligations under national and European Equality law and the relevant Codes of Practice and Guidance. It was agreed that the Respondent's Inclusion & Diversity Manager will meet with the Commission within a reasonable time to review the Respondent's policy, practices and procedures recently implemented for Future Supported Work Arrangements to ensure that they are effective and conform with the requirements of the Disability Discrimination Act 1995. The Respondent agreed to communicate and train store managers in Northern Ireland that currently have disabled individuals on work placements on its equal opportunities and disability work placements policies, practices and procedures. The Respondent affirmed its commitment to the equality legislation within Northern Ireland.