

## **Beena Doherty v British Telecommunications Plc**

Disability and Age discrimination case which settled on 3 April 2017.

The Claimant was employed by the Respondent from 28<sup>th</sup> November 1994 until early 2016. On 24<sup>th</sup> July 2015 the Claimant was attended at Altnagelvin Hospital with a heart problem. She re-attended a few days later and was admitted and had a procedure on her heart. She was off work following this. She provided all necessary sick lines to the Respondent.

She alleged that she was contacted by the Respondent's occupational health nurse in early November 2015. A telephone consultation took place and the nurse advised the Claimant that no further contact would be necessary in the short term. The Claimant alleged that the nurse advised her that she believed she may be ready to return to work by early January 2016.

In December 2016 the Claimant was informed that she had developed a condition with her back.

The Claimant was asked to attend a meeting with the Respondent on 21<sup>st</sup> January 2016. She attended with her Union Rep. She indicated her eagerness to return to work on a phased basis commencing 8<sup>th</sup> February 2016. She requested an adapted desk and chair which had been approved by the Respondent. She attended an assessment in respect of this.

The Claimant was informed on 2<sup>nd</sup> February 2016 that her contract was being terminated by the Respondent due to incapacity ill health. She appealed this decision and the decision was upheld.

The Claimant made two allegations in terms of discrimination. Firstly that the dismissal of her amounted to a failure by the Respondent to make a reasonable adjustment to its absence management policy. Secondly that as an older person who was more expensive to employ due to the fact that she had terms of employment which were more favourable (to her) the Respondent wished to 'get rid' of older employees and this was the basis for her dismissal. The Claimant alleged that the Respondent wished to have a younger workforce.

In settling the case the Respondent agreed to pay the Claimant £20,000 and agreed to liaise with the Commission in respect of its policies and procedures in particular disability related absence. It agreed to implement any reasonable recommendations. The Respondent affirmed its commitment to the principles of Equality of Opportunity.