

A Claimant v Probation Board for Northern Ireland

Age and gender discrimination case that settled in the tribunal on 21 January 2017.

Summary

The Claimant was 64. She had been employed by the Respondent since April 1992 as a probation officer. She was very experienced and believed that she was well thought of in her role.

The Claimant suffered from osteoarthritis, in her joints. This effected her physical ability eg her ability to write and her ability to type. As a result of this condition the Respondent gave her various reasonable adjustments, she was given an room for her sole use (this was formally a meeting room), she was no longer required to cover court duty or short report duty and she was given voice to text software.

However, the Claimant alleged that following this she was harassed by her line manager. She believed that this manager ignored the reasonable adjustments and put her under undue pressure to complete tasks in a timeframe which was unrealistic given her disability. The Claimant further alleged that she was harassed because she had the reasonable adjustments, most significantly the sole use of an office. She believed that this caused consternation with her manager and other staff.

It was also the Claimant's belief that she was treated less favourably on grounds of her age. For example she alleged that she was regularly asked why she hadn't retired. She was told that younger people than her had already exited the organization and was told that as the state pension age was 62 the inference was that she should be retiring.

The Claimant lodged a dignity at work grievance primarily in respect of the alleged treatment from her line manager. This was not upheld. The Claimant was dissatisfied with this outcome.

In late October 2015, the Claimant found things increasingly difficult. She believed that her circumstances were unlikely to improve. On 4th January 2016 she sent the Respondent a letter indicating her desire to retire. The Claimant's contract ended with the Respondent on 31 March 2016.

In settling the case the Respondent agreed to pay to the Claimant the sum of £8,000. The Respondent affirmed its commitment to the principle of equality of opportunity in employment and to ensuring that its policies, practices and procedures comply in all respects with its obligations under current national and European Equality law and the relevant Codes of Practice, in particular the

Disability Discrimination Act 1995, as amended and the Employment Equality (Age) Regulations (NI) 2006. The Respondent undertook to liaise with the Equality Commission for Northern Ireland ("the Commission") within twelve weeks from the date hereof to review its policies, practices and procedures to ensure that they are effective and conform with the requirements of the Disability Discrimination Act 1995, as amended and the Employment Equality (Age) Regulations (NI) 2006 and agreed to implement any reasonable recommendations the Commission may suggest, including the provision of equality awareness training for the Respondent's staff. The Respondent also agree to report to the Commission on the implementation of the measures taken within a period agreed with the Commission.