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Why line managers need to understand equality at work

Just last week, we publicised the settlement of a case where the actions of a line manager appear to have been a factor contributing to a badly handled claim of disability discrimination which led to a company having to pay out £25,000 to settle the case.

Line managers are the key because other managers higher up the organisation are often too remote from day-to-day events, whereas line managers are on the shop floor, see what's happening there and can and should take immediate action.

The case was Walker v Home Bargains. Ryan Walker had enjoyed his job and worked happily in Home Bargains, Armagh as a sales assistant from July 2017. His duties were warehouse and stock filling and he also worked in other departments.

Ryan lives with Cerebral Palsy and needs to be active and keep moving to help him manage his disability. He says that he informed Home Bargains of his disability and his needs during his job interview and his job allowed him to do that.

Ryan says that things started to change when a new supervisor joined in late 2020. He says this supervisor regularly asked him to cover checkouts and work extra hours. While he was happy to help on checkouts, he could only do so for short periods of time as he needed to move around due to his disability. Ryan says that when he tried to explain to his employer his needs as a disabled person he was told not to "play the disability card."

Ryan said that, due to the impact on him of the failure to provide reasonable adjustments, he contacted the company's Wellbeing Team and lodged a formal complaint. He said it had been agreed with his employer, as a reasonable adjustment, that he would only work in the warehouse and fill shelves. But despite this agreement, Ryan alleges he was again ordered to work on the checkouts.

Ryan wrote to his employer to express his frustration that they had not dealt with issues regarding his reasonable adjustments appropriately. In the end he felt he had no option but to resign. He approached the Equality Commission for advice and guidance, and we were able to support his claim, which was settled with a payment of £25,000 without admission of liability.

This story illustrates two points, one is the crucial role of the line manager as an employee's first point of contact with management, and the other is how even when

an employer has policies in place and has in fact willingly and easily accommodated a worker with a disability, things can go badly wrong.

The role of the line manager is crucial. A line manager needs to know and understand company policies and how to implement them. If reasonable adjustments have been agreed at the outset, as they were here, a line manager should be aware of them and uphold the company's side of the employment contract. If an employee has cause to complain about the failure of reasonable adjustments made to allow them to work to their best ability, the line manager needs to listen and act in accordance with the policy.

Here's another example. An Eastern European woman who had lived and worked in Northern Ireland for ten years came to us for advice about her difficulties in the culture of overt and casual racism in her workplace. We supported her case and her employer ended up settling it at a cost of £8,500, paid without admission of liability.

She worked in a small manufacturing business and says that she was the target for offensive racist comments, for example any mention of Brexit triggered verbal abuse aimed at her, and any mention in a crime story reported on the radio involving someone from Eastern Europe caused comments about benefits scroungers and immigrants taking up places in schools.

She reported the racial harassment to the managing director, it stopped for about two weeks and then started again. The woman asked to be moved to a different area of the factory, which was refused; she submitted a grievance.

She says the managing director told her in response to her grievance that the abuse was a joke and everyone was laughing, and that he told her: 'they're not racist, they're just brought up different'. She says he asked her repeatedly to reconsider leaving her job, without at any time addressing how or when he was going to resolve her grievance.

In this case, many of the incidents of harassment in this case were witnessed by a supervisor. His failure to react when he saw employees harassing their colleague means that it was much more difficult for the company to establish a 'reasonably practical steps' defence, which requires line managers to proactively challenge offensive and harassing behaviours.

Line management is a big responsibility. As an employer, you rely on line managers and staff rely on them too. It's important they understand your policies about equality, inclusion, respect and dignity at work and what to do if there's a problem in any of these areas. We're offering our free and expert online training session on Equality for Line Managers on 30 June – could it be an hour well spent for your line managers?