

20/01/2011

PRESS RELEASE

PSNI pay £62,500 in settlement of discrimination cases

A PSNI Inspector, Hazel Brady, who complained she was subject to discriminatory treatment on her return to work after treatment for cancer, has been paid £55,000 in a settlement made without admission of liability by the PSNI. Her husband, David Brady, who is a Chief Inspector in the PSNI, was paid £7,500, also without admission of liability, in a settlement of his complaint of victimisation. Both cases were supported by the Equality Commission.

Inspector Brady was diagnosed with breast cancer in 2006 and returned to work in January 2008. She subsequently complained of discriminatory treatment, including her belief that the PSNI failed to make reasonable adjustments to accommodate her medical condition. She felt that undue demands were made of her in terms of her workload which did not take her health into account, after further investigative cancer-related surgery, and that she was faced with unfounded criticism of her work. She also alleged that she was denied training opportunities available to her male colleagues. After she lodged complaints about these issues both she and her husband complained that they were victimised by the bringing against them of allegations of misconduct, which subsequently were not progressed. She also alleged that she herself was victimised by the way in which her sickness absence for cancer related surgery was managed.

The PSNI, in agreeing to pay Mrs Brady £55,000 without admission of liability, acknowledged the upset and distress she had experienced and reaffirmed its commitment to equality of opportunity in the workplace. The PSNI also confirmed that, as with all officers, account will be taken of her health and any disability when decisions are made as to what functions she will be required to fulfil and where she will be stationed.

Inspector Brady said “This was an extremely stressful time for me, especially whilst still recovering from cancer. I was very shocked, saddened and disappointed that the treatment I received during the 2 ½ years after my return to work made an already difficult situation much worse for me. I am relieved that the PSNI have acknowledged the upset and distress I suffered. Although this has been a horrendous experience for me, it is my sincere hope that other officers and PSNI staff with a disability will be treated better by the organisation in future.”

“All employers have a responsibility to make reasonable adjustments for employees who have a disability,” Eileen Lavery, Head of Strategic Enforcement with the Equality Commission, said. “Coping with an illness such as cancer and its aftermath can be a very difficult experience for anyone. It is particularly important at such a time that employers make whatever arrangements are necessary. It is good that in this case the PSNI has confirmed that they will take account of the health and any disability of an officer when making decisions affecting their work. No-one facing the challenges of ill-health, or dealing with a disability, should have to confront additional difficulties which can be avoided by the application of common sense and sensitivity.”

The Equality Commission provides advice to everyone who seeks it regarding possible instances of unlawful discrimination, and will provide legal assistance to some individuals to pursue complaints in the tribunals or courts. If anyone feels they have been discriminated against, they should ring the Commission’s advice line on 028 9089 0890.

The Commission also provides advice and support to employers regarding best practice in dealing with their responsibilities under the various equality laws. Those seeking advice should contact the Commission’s advice line at 028 9089 0890.

ENDS

Notes to editors:

Disability and the Law

- People with cancer are covered by the Disability Discrimination Act 1995.
- Changes to the definition of disability were made by the Disability Discrimination (NI) Order and came into effect on 31 October 2007. From that date, people who develop cancer, HIV or MS are protected from disability discrimination from the point of diagnosis and not from the point where the condition affects their ability to carry out day to day activities.
- The DDA places a duty on employers to make reasonable adjustments if employment arrangements, or the workplace itself, place a disabled person at a substantial disadvantage compared to a non-disabled person. Reasonable adjustments have to be considered at every stage of employment.

Legal Enquiries on Disability

- In the last complete year, 2010, the Commission had more calls to its legal advice line about disability discrimination than any other cause – 1,015 calls, more than a third of the total.
- Of all calls about disability, 32% are to do with employment and the workplace.
- Of all calls about reasonable adjustments, 84% were to do with reasonable adjustments in the workplace.

General Advice Enquiries

- During the year 2010, 9,114 enquiries were received by the general advice line. Around 10% of these were to do with disability discrimination.

ENDS