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## PRESS RELEASE

### **Tribunal awards £11,840 to woman in disability discrimination case against Charles Hurst Ltd**

A woman who brought a case against her former employer under the Disability Discrimination Act has been awarded £11,840 by an Industrial Tribunal. The Tribunal found that Charles Hurst Limited failed in its duty to make reasonable adjustments for Marie-Claire McLaughlin, who was employed by the company as a Customer Service Advisor. The case was assisted by the Equality Commission for Northern Ireland.

Ms McLaughlin had been employed by Charles Hurst Limited since July 2012, and worked an average of 47.8 hours per week including Saturday mornings. She had suffered previously from mental ill-health and had absences from work due to bouts of depression and panic attacks. Ms McLaughlin applied to reduce her working hours to 40 per week and, in her application, she made specific reference to her disability and the severe impact it was having on her and her work colleagues.

The Tribunal found that *“Her request for reduced hours was not considered in an appropriate manner. It was consistently dealt with as an application for flexible working, with an emphasis on the needs of the business. There was little or no focus on the needs of the claimant.”*

The timeframe for dealing with Ms McLaughlin’s request was long drawn out – it took fourteen months in all and the Tribunal considered that this was at least four and a half months too long. The Tribunal stated *“Had the employer focused correctly on the concept of reasonable adjustments under the Disability Discrimination Act 1995 and taken a proactive approach to the matter, all members of the tribunal are satisfied that the claimant would have had the benefit of the reduced hours she sought at an earlier stage.”*

The Tribunal held that there was no doubt that the treatment Ms McLaughlin received at work affected her mental health and well-being. The decision states that *“the treatment which the claimant received at work (i.e. the failure to grant her a reasonable adjustment in terms of allowing her to work reduced hours) inevitably compounded and exacerbated to a serious degree any pre-existing condition, and was a major cause of her mental health issues at the relevant time.”*

Ms McLaughlin said: “I had suffered previously from mental ill-health, and I believed a reduction in my hours would help me to cope better and enable me to improve my performance at work. My employer didn’t seem to grasp how serious an impact this was having on my life, inside and outside of work. I couldn’t believe this was happening to me, the stress of the whole situation did not help my mental health, it just added to the pressure.”

Dr Michael Wardlow, Chief Commissioner of the Equality Commission for Northern Ireland, said: “Marie-Claire’s case brings into focus an issue which is an increasing area of concern for all in the workplace. There is a need for employers to be more pro-active in addressing issues around mental health. Proper - and timely - management of this issue should be an important focus for all employers. The Tribunal found that, on this occasion, the company concerned did not act promptly in putting a reasonable adjustment - a reduction in hours - in place for Ms. McLaughlin and that this made her situation worse.

“The Tribunal noted that, when the adjustments were put in place, Ms McLaughlin found it much easier to cope with her employment. She had little or no absence from work and she found it much easier to get the job done. This highlights the fact that reasonable adjustments, while required by legislation to benefit people with disabilities, can also benefit business through outcomes such as improved attendance and increased productivity.

“We would encourage all employers to sign up to our Mental Health Charter – it is a commitment that an organisation will work towards a better understanding of mental health issues and the impact they can have on individuals and the wider workforce”.

*Note to Editor:*

- Read the [Tribunal Remedy Decision](#)
- See the Equality Commission’s [Mental Health Charter](#)

*Related information:*

- [Disability rights at work](#)
- [Disability discrimination law in NI: a short guide](#) (pdf)
- [Disability Code of Practice: employment and occupation](#) (pdf)