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PRESS RELEASE

Disability discrimination decision stands following BT appeal

The Court of Appeal in Belfast has dismissed the appeal by British Telecommunications PLC (BT) against a finding that it discriminated against a job applicant with disabilities. The Equality Commission supported Kevin Meier in defending the Industrial Tribunal's finding of discrimination.

Mr Meier graduated in 2017 with a 2:1 degree in Computer Science. He lives with Asperger's Syndrome, dyslexia and dyspraxia and has a very high IQ (139). He applied for a post with BT under its Graduate Recruitment Scheme. He indicated on his application that he was seeking to avail of the BT Disability Confident Scheme, which he believed guaranteed him an interview if he met the minimum criteria.

As part of the automated recruitment process Mr Meier was asked to sit an online Situational Strengths Test (SST). This is a widely-used recruitment tool which uses scenarios as a way of assessing applicants' situational judgement. Mr Meier failed the SST, scoring 29 out of a potential 180 and received an email informing him that based on the outcome of the test they would not be taking his application forward to the next stage.

The Tribunal, which had earlier found in Mr Meier's favour, had accepted the evidence of a specialist clinical psychologist that the SST would put people with ASD at a substantial disadvantage over people without an ASD diagnosis.

Upholding the Tribunal's finding the Court of Appeal, commented: "The Tribunal further concluded that the reasonable adjustments (that the claimant should not take the SST or that the score should not count against him) would have removed the substantial disadvantage from which the claimant was suffering. The reasonable adjustments were not impractical; would not have disrupted BT's activities and did not put a strain on BT's resources."

Kevin Meier said: "I am delighted that the Court of Appeal has upheld the Tribunal's decision. I believe it was an important case to take. I am grateful to the Equality Commission for their support. I hope this judgement will help other people with disabilities to secure employment in the future."

Dr Michael Wardlow, Chief Commissioner of the Equality Commission, welcomed the decision of the Court of Appeal: "It's clear from Kevin's experience and from the Tribunal and Court of Appeal judgements that, where part of a recruitment process is not suitable for some disabled applicants, a reasonable adjustment must be made to

allow someone with different but equal abilities to show how they could meet the requirements of the job. All employers must recognise that they have a legal duty to be proactive and consider what reasonable adjustments would be appropriate.”

“One of the issues in this case was that while Kevin recorded his disability on his application form, this was not included in the information that went to the Graduate Recruitment Team. Therefore the Graduate Recruitment Team were not aware of Kevin’s disability or that he wished to be considered under the company’s Disability Confident Guarantee scheme.

“Online recruitment processes are now very widely used and these findings mean employers will need to review their use. We would encourage employers to look again at how they ensure all of their recruitment policies and processes are inclusive and offer equality of opportunities to job applicants and employees with disabilities.”

“The gap between disabled people and non-disabled people in employment is a large one and has been there for many years. Not just employers, but our policy-makers, must look again at how it can be reduced”, concluded Dr Wardlow.

Notes to Editor:

- The [Court of Appeal judgement](#) (*pdf*) - 29 July 2019
- The [Industrial Tribunal decision](#) (*pdf*) - 23 November 2018